Lexington City Schools Employee Manual
Mission Statement

The Lexington City Schools will meet the educational needs of all students through its programs, services, and facilities within a safe environment. We will provide resources to stimulate intellectual curiosity, promote achievement, and develop personal growth. We will prepare students to function as lifelong learners in an ever-changing society. We will encourage the involvement of all educators, families, and community members in the on-going process of school improvement.

Beliefs

- Everyone can learn.
- The responsibility of education belongs to everyone.
- Our responsibility is to find and use the most effective method for challenging each student to learn.
- Everyone deserves equal opportunities and access.
- Everyone has something positive to contribute.
- Everyone deserves an environment that is conducive to learning.
- A caring environment nurtures growth and enhances self-esteem.
- Everyone deserves a clean, safe, and orderly place to learn.
- Effective educators are continuous learners.
- Learning is a lifelong process.
- Effort and positive attitude promote success.
Welcome to the Lexington City Schools family. This manual is provided to help our employees understand the policies and procedures associated with the work in our district. Clear communication and an understanding of our procedures are vital if we are to provide the best education possible for our students.

If you are an employee and have a question about an item in this handbook which pertains to you, please ask your immediate supervisor. If you still have a concern or question about an item, please reach out to the Executive Director of HR for further clarification.

Thank you for being a part of an instructional team with a commitment to excellence.

Anitra Wells
Superintendent
Equal Employment Opportunity – The Lexington City Schools does not discriminate in the recruitment, employment, and promotion of individuals on the basis of race, religion, gender, national origin, age or disability.
Introduction

This procedures manual is designed as a resource to enhance the communication among the educators of our school system.

Select personnel issues are addressed. This manual is not intended to replace Section 3 of the Lexington City Schools Board of Education Policy Manual.

As stated in Policy 3.2, “All personnel are responsible for knowing and complying with all policies contained in (the) Lexington City Schools Policy Manual.” Copies of this manual are located in each school and on our website.

All educators also have a responsibility to make themselves familiar with, and abide by, the laws of the state as these affect their work, the policies of the board, and the regulations designed to implement them.

The principals, our HR Director, and the Superintendent are available should any educator have questions related to a personnel issue.

Board of Education

Chairman:
Darrick Horton (Ward 1)

Vice Chairman:
John Burke (Ward 4)

Katherine Hinkle (Ward 2)
Brent Wall (Ward 3)
Debra Verdell (At-Large)
Margaret Loda (At-Large)
Angela McDuffie (Ward 5)

Regular board meetings are held on the first Tuesday of each month at 6:30 p.m. at the Administration Building at 1010 Fair Street. The public is welcome to attend.

Any persons desiring to appear before the Board and make a statement will complete the Appearance By Citizens form prior to the meeting in compliance with Policy 1.6.1.

School Directory

Pickett Elementary School 1-5
200 Biesecker Road
Jihan Harvey, Principal
Andre Mumford, A.P.
School Phone: 242-1546

South Lexington School PK-K
1000 Cotton Grove Road
Sharolyn Harry, Principal
Kenya Shear-Jones, A. P.
School Phone: 242-1544

Southwest Elementary School 1-5
434 Central Avenue
Princess Pressley, Principal
Opie Stinson, A.P.
School Phone - 242-1548

Charles England Elementary School 1-5
111 Cornelia Street
Beth Callicutt, Principal
Shannon Watkins, A.P.
School Phone: 242-1552

Lexington Middle School 6-8
100 West Hemstead Street
Abu Zaeem, Principal
Kim Britt, A.P.
Sylvester Hairston, A.P.
Nicole Shamberger, A.P.
Cathy Misenhiemer, Jacket Academy
School Phone: 242-1567

Lexington High School 9-12
26 Penry Street
Gene Jones, Principal
Marc Houlihan, A.P.
Judy Richards, A.P.
Joseph Stone, A.P.
School Phone: 242-1574
LCS Employment Procedures

All applications and transfer requests will be received by the Lexington City Schools Human Resources Office and will be screened by the superintendent or designee.

► If after advertising, it is decided an insufficient number of applications have been received, the vacancy may be re-advertised.

► If after re-advertising, a sufficient number of applications are received, then the qualifications and references of those applicants will be reviewed. Acceptable, qualified persons will be interviewed for employment as described below.

► When qualified persons cannot be identified, reduced qualifications may be approved by the superintendent or designee.

In response to the announced vacancy, all applications and transfer requests already on file that are appropriate to the vacancy and all new applications received as a result of the announcement will be reviewed by the immediate supervisor for the vacant position and/or the superintendent and/or designee.

If an employee would like to transfer to another location in the system in the same type of job or in a different entry-level job, he/she must fill out a Request for Transfer Form, which is available from the Human Resources Office.

A minimum of three applicants will be interviewed for each vacant position. If, after advertising, three applicants are not available, the position will be filled from available applicants or the vacancy may be re-advertised.

The person with the immediate responsibility for the vacant position will make one recommendation to the superintendent. For example, a teacher applicant will be recommended to the superintendent.

The applicant recommended by the immediate supervisor for the vacant position will be interviewed by the superintendent and/or the designee. If the person recommended by the immediate supervisor is not concurred with by the superintendent and/or the designee, subsequent recommendations as required will be submitted by the immediate supervisor until concurrence is obtained.
If the superintendent and/or designee agree with the recommendation, the superintendent will recommend the person to the Lexington City Board of Education for employment. Members of the Board of Education will receive an employment data sheet on the person being recommended.

The applicant who is recommended for employment is subject to a drug test and criminal records check. Final employment is contingent upon a clean criminal records check and a negative drug test.

All interview rating sheets, reference forms, and documentation of telephone conversations will be placed in the pre-employment data file. Applicant's pre-employment files shall not be available to prospective employees or to the persons employed (GS 115C-325).

The immediate supervisor for the vacant position and/or the superintendent and/or the designee shall make every effort to obtain three written references on the persons who are determined through screening to meet the qualifications. The immediate supervisor for the vacant position, e.g., the principal for a teacher vacancy, will obtain a minimum of two verbal recommendations. These verbal recommendations may be in person or by telephone documentation of written and verbal references by use of the Reference Form.

Notification

When the Board of Education has approved an applicant for a particular position, the superintendent or designee will send a letter to the candidates who were interviewed to inform them of the Board’s decision.

System Meetings

Administrative Staff Meetings: are on the 15th of each month in the board room of the central office starting at 9 a.m. If the 15th falls on the weekend, the meeting will be held the week before.
Work Schedule

Teachers are required to work a minimum of 7 ½ hours per day. Principals develop a work schedule which best meets the needs of each school. The principal has the authority to require teachers to arrive earlier or depart later than the published schedule, depending on the needs and activities of the school.

Teacher assistants and secretaries are required to work an eight-hour day. The beginning and ending hours are determined by each individual principal.

If the assistant or secretary stays in the building and is subject to being called if needed during lunch, then lunchtime is included as a part of the workday.

If their lunchtime is unencumbered, or if they leave the building, then this time is not included in their workday.

School hours for students are:

- Pickett: 7:30-2:25
- South Lexington: 8:00-2:30
- Southwest: 7:30-2:25
- Charles England: 7:30-2:25
- Lexington Middle: 8:20-3:30
- Lexington High: 8:20-3:30

If school is dismissed early because of snow or ice, staff members may leave after the building is clear of students or at the principal’s discretion. (Also see Annual Leave on page 11 and the Non-Instructional Days on page 15.)

Announcements on whether to close or delay the opening of school due to ice or snow will be made by 6 a.m. of the school day in question, unless the ice or snow begins in the early morning. In this case, the decision to close or delay school will be made as soon as possible. The announcement will be aired on all local radio stations and WFMY-2, FOX-8, WXII-12, and ABC-45. Principals will also notify employees via phone tree.
Benefits

Local Salary Supplemental/Bonus

A local supplement is based on 8.5% of the 2018-2019 school year state salary schedule. The supplement is paid in 2 payments (November and May). A 2% bonus based on a percentage of their monthly salary is paid to classified educators divided into 2 payments in November and May.

Health Insurance

All full-time employees are eligible for health insurance. Please check the supplement manual, Working in N.C. Public Schools, for details of coverage options.

Life Insurance

A ten thousand dollar ($10,000) policy has been issued to the Lexington City Board of Education employees and is provided for all permanent, full-time employees. Optional dependent coverage is also available, as well as supplemental coverage for employees.

Cafeteria Plan and 401(k)

The Lexington City Schools Cafeteria Plan and the Supplemental Retirement Income Plan of North Carolina are offered for all employees.

Dental Insurance

All full-time employees are eligible for dental insurance. Please refer to Lexington City Schools’ brochure for the Group Dental Insurance Program that is available for employees and their dependents.

Tuition Reimbursement

Beginning with the 2019-2020 school year, educators who are enrolled in an approved advanced degree program in their current field of assignment are eligible to receive one-half tuition reimbursement in an amount equal to one-half the highest tuition charged by a state-supported institution of higher learning (UNC system) for up to nine credit hours. Teacher assistants pursuing a Bachelor’s degree in education are eligible to receive one-half tuition reimbursement in an amount equal to one-half the highest tuition charged by a state-supported institution of higher learning (UNC system). Teachers taking coursework required to meet licensure requirements and teachers adding a license area in a shortage area approved by the superintendent are eligible to receive full
tuition reimbursement for courses taken at an NCDPI-approved Educator Preparation Program, provided the teacher commits to remaining in a teaching role with LCS for at least 3 years after completing the licensure program. LCS will not provide tuition reimbursement for courses leading to licensure as a principal or superintendent. Tuition proposal request for reimbursement should be completed and approved prior to the start of the coursework to ensure funds are available for reimbursement. Reimbursement must be requested within 90 days of course completion and the request must include a receipt detailing payment of tuition as well as documentation of a grade of “C” or better.

Types of Employment

Licensed or Classified

You are licensed if your position requires that you hold a North Carolina teaching or administrative license. Teachers, assistant principals, counselors, media coordinators, principals and many administrators are licensed.

All other positions are classified and do not require a license or they fall in certain classifications for salary purposes.

Ten-month or Twelve-month

All employees take the same holidays, but whether you work for 10 months, 11 months or 12 months, or somewhere in between, affects when you are paid and when you can or must take annual leave. Check with your supervisor to determine whether your position follows the teacher (10-month) calendar or another calendar and when you can take leave.

Part-time or Full-time

You are considered full-time if your regular work week is 30 or more hours. The standard work week for full-time, classified employees is 40 hours. You are considered part-time if you regularly work less than 30 hours per week.

Interim

An interim contract is issued to a teacher or administrator who is filling a vacancy for the permanent teacher or administrator who is on leave of absence with or without pay. When the time period exceeds six months, the interim contract carries full benefits including annual leave, sick leave, personal leave, retirement, and health insurance.
**Temporary Interim**

A temporary interim contract allows a teacher to fulfill the duties of a teacher on leave without pay for less than six months. This contract does not carry benefits provided full-time, permanent employees. Holiday pay is provided. A temporary interim teacher is not eligible for retirement benefits or health insurance paid by the State. The temporary interim contract does not meet North Carolina Standards for tenure.

**Probationary**

A probationary contract is issued to a certified person, as defined in G.S. 115C-325, who has not obtained career status and whose main responsibility is to teach or supervise teaching. This person is to fill a full-time, permanent position. This contract carries full benefits including annual leave, sick leave, personal leave, retirement, and health insurance.

**Career Teacher**

Career teacher means a teacher who obtained career status as provided in G.S. 115C-325. The probationary period is 4 years. This contract carries full benefits, including annual leave, sick leave, personal leave, retirement, and health insurance.

**Staff Development**

Staff development is necessary to the professional growth of all educators. Lexington City Schools supports and encourages attendance at various staff development activities.

All certified educators are required to complete 80 hours (which includes 20 hours of Digital Learning training), within their 5-year renewal cycle. The technology training is provided by the Lexington City Schools, Davidson County Community College and through other approved sources. Position specific CEU renewal requirements can be found on the District webpage under Educator Hive or DPI webpage.

Before participating in a non-Lexington City Schools staff development activity, the educator shall complete a *Leave of Absence* form in its entirety. The form will then be signed and coded by the supervisor (i.e. principal for teacher) and forwarded to the Human Resources Office.

After attending the workshop, the educator shall complete the form, *Reimbursement of Travel and Other Expenses*, for travel and other expenses.

This form will be signed by the supervisor and sent to the appropriate central office staff member for approval.
Health Certificate

For initial employment, all employees of the school system will have a health examination. The health examination should have been made by a licensed medical examiner within 30 days from date of employment. A form must be submitted certifying that such person has been examined for tuberculosis, for any communicable disease, and for any disease which would impair the ability of the educator to perform his/her duties effectively. The proper health examination form will be given to the educator at the time of the final interview. This form must be completed and returned to the Human Resources Office within 30 days of beginning date of employment.

Pay Date

All employees will be paid on the last working day of the calendar month. Bus drivers and food service personnel will be paid on the 15th of the month. When the pay date falls on a weekend or regularly scheduled annual leave day or holiday, checks will be issued on the last school day preceding this date.

All inquiries regarding salary and pay should be directed to Human Resources or Finance Departments.

State and local funds for disbursing payrolls are not available in the school system’s bank accounts until payday. Therefore it is not possible to deliver paychecks prior to scheduled pay dates.

Direct Deposit Payroll

Direct deposit is required for all full-time employees.
Personnel Files

Lexington City Schools Board Policy 3.3 and North Carolina General Statutes 115C-319, 320, 321, and 325 explain personnel files regulations.

When a letter is received by the superintendent, it is placed in the employee’s personnel file if the superintendent determines that the person signing the letter did indeed sign it and that the letter is not subversive in nature. If a letter of commendation or concern is written to a person or a copy notated to a supervisor of the educator, the supervisor should send the letter to the superintendent. An employee is always alerted that an item will be placed in his/her personnel file five days beforehand.

No board member or supervisor may look at a personnel file unless they have a “need to know” the contents of the file for a very particular reason. The only ways a personnel file may be shared are if the employee puts in writing that a certain person or persons may review his/her file or if there is a court subpoena for the file.

Personnel files are not forwarded to their school systems or employers after an employee leaves Lexington City Schools. The only records forwarded will be sick leave, annual leave, personal leave contract, license, and health form as appropriate to the new employer. An employee may request to see his/ her file in the personnel office by appointment during normal working hours.

Annual/Vacation leave

Permanent school employees working at least 20 hours per week earn annual leave at the same monthly rate as all state employees. A permanent employee is one who meets one of the following conditions:

- Employed, other than on an interim basis, to fill a position which is to be permanent if present needs and funds continue, or
- Employed for at least six months within one contract, to replace one or more employees who are on leave of absence without pay.

Annual leave is advanced to employees on a month-by-month basis. The rate of earnings is based on length of aggregate service to North Carolina. Part-time employees earn and may use annual leave in proportion to the part of the day for which they are employed.

Teachers with less than two years of service will earn one day per month annual leave. These days will be used on the leave days designated on the school calendar, which is a total of 10 annual leave days per year.

After two years of employment, teachers will accrue additional days per month with the choice of using these days on optional non-
instructional days during the year. The chart contained in *Working in North Carolina Public Schools* outlines the number of days of vacation earned each month based on years of aggregate state service.

State regulations, along with local school policies, govern when annual leave may be taken. All annual leave taken will be upon the authorization of the educator’s immediate supervisor. The minimum annual leave time which may be taken is one-half of one day in any given workday. Instructional personnel (G.S. 115C-325) cannot take annual leave when students are scheduled to be in attendance.

Annual leave may be used by instructional personnel in lieu of sick leave when students are not scheduled for attendance. Annual leave may be used in lieu of sick leave at any time for other educators. Annual leave may be used for absences caused by adverse weather conditions when schools are closed.

When schools are closed for students and instructional staff (10-month employees), due to inclement weather, the instructional day will be rescheduled in the calendar. If school is closed for students due to inclement weather, but designated as an optional workday, instructional personnel may take annual leave if they do not report to work. All 11-month and 12-month employees may take annual leave on all days schools are closed for inclement weather, if the employee does not report to work. *(Please see the chart on Page 16 for the guidelines in regard to inclement or hazardous weather.)*

Unused annual leave can be accumulated and a maximum of 30 days carried forward the next fiscal year which begins on July 1. On June 30 of each year, any accumulated days of annual leave in excess of 30 are converted to sick leave days.

Leave balance will be forwarded to the employee’s new district or government entity, or annual leave payouts will be disbursed up to 30 days as outlined in the State Benefit Manual

**Sick leave**

Educators who earn annual leave also earn sick leave. Full-time employees earn one day per month. Part-time employees earn and may use sick leave in proportion to the part of the day for which they are employed.

Sick leave may be used for temporary disability which prevents an employee from performing his or her usual duties, illness in the employee’s immediate family, medical appointments which require the employee’s attendance, and death in the immediate family. The
immediate family for sick leave includes the employee’s spouse, children, parents, and any other dependents living in the employee’s household, including the step relationships. For a death in the immediate family, this includes the employee’s spouse, children, parents, brothers, sisters, grandparents, grandchildren, and step, half, and in-law relationships.

Employees must take sick leave in minimum units of one-half or whole workdays. Sick leave is accumulated indefinitely. The superintendent may require a statement from a medical doctor or other acceptable proof that the employee was unable to work to the end that there will be no abuse of sick leave privileges.

Employee leave is outlined in Board Policy 3.10. The expectation is that employees will be in regular attendance at work in the best interest of student learning. A principal may request documentation for sick leave. In the event of absences in excess of 5 consecutive days, employees should contact Human Resources.

In regard to temporary disability, if the period of sick leave taken is less than 30 days, the employee will return to his or her position with the school system. If the period exceeds 30 days, the superintendent shall determine when the employee is to be reinstated. The superintendent makes the decision based on the welfare of the students and the need for continuity of instruction and services provided.

**For Teachers Only**

**Extended Sick Leave**

If teachers have exhausted all sick leave days and need additional sick leave days for personal illness, extended sick leave can be requested by contacting the Superintendent. Teachers absent for this reason shall receive full salary during the days absent less substitute teacher pay of $50 per day. The superintendent will determine whether a doctor’s certificate or other acceptable proof is required.

After the 20-day period, the teacher may be placed on leave of absence without pay for a period as granted at the discretion of the superintendent.

**Personal Leave**

Teachers receive two days of personal leave each year, and can accumulate up to five days. These days may be used in whole or half-day units on student or professional days. A deduction of $50 per day for the cost of a substitute is made from the teacher’s pay. A teacher or media center specialist who requires substitute teachers, who requests personal
leave at least five days in advance of the date desired is not required to give a reason for the leave (provided such leave is not the first day teachers are required to report for the school year, a required teacher non-instructional day, the day before or the day after holidays, and scheduled vacation days). This leave is at the discretion of the principal based on instructional needs but not the reason for the request. On June 30, personal leave in excess of five days is converted to sick leave so that a maximum of 5 days are carried forward to July 1. Upon retirement, any personal leave may also be converted to sick leave.

**Family and Medical Leave Act**

All eligible employees will be provided with leave as required by the federal Family and Medical Leave Act of 1993 (FMLA) and applicable state laws and State Board of Education policies. The Board strictly prohibits interfering with, restraining or denying the ability of any employee to exercise any right provided by the FMLA. The Board also strictly prohibits any type of discrimination against or discharge of any employee who has filed a complaint in regard to the FMLA.

Lexington City Schools will grant unpaid leave for up to 12 weeks to employees who have been employed for at least 12-months and have worked at least 1,250 hours during the previous 12-month period for:

- The birth of a child of the employee and in order to care for the child;
- The placement of a child with the employee for adoption or foster care;
- Taking care of the spouse, child or parent of the employee, if the spouse, child or parent has a serious health condition; or
- A serious health condition that makes the employee unable to perform the functions of the employee’s position.
Guidelines for Inclement Weather Days

It may become necessary for school to be cancelled due to inclement weather or hazardous travel conditions. If schools are closed for students and instructional personnel, the day will be rescheduled in the calendar. This applies to teachers, teacher assistants, bus drivers, and child nutrition employees. All other employees will work, use earned leave, take the day without pay, or make up time, and the day is not deemed a remote learning day for students/telework for staff.

When school is closed for students and an optional non-instructional day is designated;

- All employees except bus drivers and child nutrition workers, report to work, use earned leave, take a day without pay, or make up time.
- Bus drivers and child nutrition workers use earned leave or take a day without pay.
- Teachers can use personal leave at no cost only if a Non-instructional (Non-required) day is designated.

If you have any questions, please contact your immediate supervisor.
Non-Instructional Days
Within each year’s calendar, there are non-instructional, non-required or optional teacher non-instructional days. On these days, educators may take earned annual leave if they choose not to report to work. At the time of the non-instructional day, the educator must have already earned or accrued the annual leave day. **Employees can not take leave they have yet to earn.** In addition to optional days, the calendar will contain required workdays. All educators must report to work, unless they are sick. The educator may use sick leave on a required work day if he or she is too sick to report to work. For more information, see Annual Leave and Sick Leave sections on pages 12 & 13 of this manual.

Field Trips
The Lexington City Schools recognizes field trips as an integral part of the instruction process and the Board of Education endorses the use as an extension of the classroom. School trips can help meet educational goals and objectives by connecting learning with experiences outside the classroom environment.

Evaluation
Each educator will be evaluated annually by his/her immediate supervisor or principal.
This evaluation is a process in which judgments are made regarding the educator’s job performance. The evaluation is a confidential, cooperative, and continuing process for the purpose of identifying strengths and areas of needed improvement of the individual and improving the quality of the employee’s work.
All educators should be oriented to the evaluation system and questions pertaining to the process should be referred to the immediate supervisor or to the human resources office.


**Licensing**

All Lexington City Schools employees who are required either to hold a license in compliance with the provision of the law or in accordance with the regulations of the State Board of Education will keep the license current.

The superintendent’s copy of the teaching license must be on file in the Human Resource Office prior to signing your teaching contract. It is the teacher’s responsibility to see that the superintendent’s copy of his or her license is received.

It is also the teacher’s responsibility to see that he or she takes the courses necessary to renew or complete the teaching license as required by the State Board of Education.

Renewal credit is required to assure that licensed educators periodically update their professional knowledge and technical competency. Renewal or reinstatement of a license is based on eight units, which include two in technology. CEU renewal requirements can be found on the District webpage under Educator Hive or DPI webpage. Renewal credits are recorded according to their value in continuing education units. Renewal activities must be directly applicable to the teaching assignment or areas of licensure and conform to the needs outlined in the Individual Growth Plan (IGP). The Human Resources Office maintains the official record of renewal credits. Teachers can check their credits on the LCS website under Human Resources. Access to the licensure file may be granted to the educator.

Continuing licenses are valid for a period of five years and require renewal at the end of each five-year period.

**Salary Scales**

Copies of the North Carolina Salary Scales for certified employees are available on the North Carolina Department of Public Instruction at [http://www.ncpublicschools.org/fbs/finance/salary/](http://www.ncpublicschools.org/fbs/finance/salary/). Remember that local supplements are not included in these figures.

**Maintenance Request**

A maintenance representative is assigned to each school. A Maintenance Request Form shall be used to request repairs and improvements to grounds, buildings, and equipment. The forms can be obtained from the school’s office and will need to have the principal’s signature before placing the form in the appropriate area for the maintenance person.
**Facility Rental & After-Hour Usage By Employees & the Public**

Any after-hour or non-instructional day use or rental of a school facility by school personnel or members of the public shall be scheduled and approved through the Central Office. A Facility Use/Rental Form shall be filled out and signed by the Assistant Superintendent and the principal of the requested site. All requests must be filed at least ten (10) working days prior to the beginning of the usage. Usage is not allowed on holidays in which schools are closed or when schools are closed due to inclement weather.

All usage is governed by Lexington City Schools Board of Education Policies 2.6, 2.6.1, and 2.6.2. Appropriate personnel shall be scheduled to cover the opening, closing, and monitoring of any rental or usage request. Fees are charged, as required by policy, and are determined by the Central Office.

Any waiver of fees must be received in writing no less than 60 days prior to the beginning of the usage. No keys will be issued. Only employees whose main work responsibilities include the opening, closing, and maintenance of a facility will be allowed to oversee a usage request. No usage is official or can begin prior to written approval from the site’s principal and the Central Office designee.

**School Board Policies**

The following section includes several policies of the Lexington City Board of Education on personnel and student issues. This listing is not intended to replace or fully represent Section 3 of the Lexington City Schools Board of Education Policy Handbook.

As stated in Policy 3.2, “All personnel are responsible for knowing and complying with all policies contained in (the) Lexington City School Policy Manual.” Copies of this manual are located in each school, in the central office, and on the school website and may be reviewed by any employee.

**3.6 EMPLOYEE DRESS AND APPEARANCE**

The Lexington City Board of Education believes that the appearance and the conduct of its faculty are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the Board affirms its expectation that all personnel shall be professionally, neatly and appropriately attired for the work to be done. An employee’s dress must not disrupt or distract from the educational process and must be
in accordance with health and safety standards. The superintendent may develop and communicate to employees guidelines for appropriate dress and appearance. Such guidelines may authorize the principal or department supervisors to develop specific dress or appearance requirements for each school or department.

An employee’s supervisor will make an initial determination of whether an employee’s dress or appearance is inappropriate. In making this determination, the supervisor will consider the following factors:

- the nature of the employee’s work;
- whether the dress is consistent with a professional environment; health and safety factors;
- the nature of the employee’s public contact and the normal expectations of outside parties with whom the employee will work;
- the employee’s interactions with students;
- the prevailing practices of other workers in similar jobs; and
- any properly established guidelines for dress or appearance.

**Inappropriate Dress or Appearance**

An employee’s dress or appearance may not be so unusual, inappropriate or lacking in cleanliness that it clearly disrupts class or learning activities or presents a safety issue. The following attire is considered inappropriate for school employees while performing their assigned duties:

- Jewelry affixed to an employee’s nose, tongue, cheek, lip, or eyebrow.
- Clothing that is disruptive, provocative, or revealing, or does not cover an employee’s waist or midriff.
- Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols.
- Clothing that contains profanity, nudity, depicts violence or is sexual in nature by words or symbols.
- Flip flops, slides, or shoes that present a safety or health concern.
- Jeans, but may be worn with school spirit attire on designated school spirit days and Fridays.
- Undergarments that are visible or any see-through clothing.
- Sweatbands, bandannas, or sunglasses inside school buildings.
If the supervisor determines that the employee’s dress or appearance is inappropriate, detrimental to the work or learning environment, or hazardous to the health or safety of the employee, fellow employees or students, the supervisor will counsel the employee regarding appropriate attire that is consistent with this policy and will determine whether the employee is allowed to remain at work or must leave work to change his or her dress. Any failure to follow the supervisor’s directive and/or blatant or repeated violations of this policy will subject the employee to disciplinary action up to and including dismissal.

Legal references: G.S. 115C-36, -47

Adopted: January 9, 2007
Revised: June 4, 2019

**3.12 EMPLOYEE GRIEVANCE PROCEDURE**

It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce the potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

**A. Informal Resolution**

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

**B. Definitions**

1. Days

   Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the aggrieved employee’s employment calendar. In counting days, the first
day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulations, school board policy, or administrative procedure;

b. that an employee’s employment status or the terms or conditions of his or her employment have been adversely affected; or

c. that there exists a physical condition that jeopardizes an employee’s health or safety or that interferes with an employee’s ability to discharge his or her responsibilities properly and effectively.

The term “grievance” does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act.

4. Grievant

The grievant is the employee(s) making the claim.

5. Parties in Interest

“Parties in interest” refers to the grievant and the person against whom the grievance is filed.
C. Timeliness Of Process

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant’s legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. General Requirements

1. At all times during the grievance process, all parties in interest and their representatives must conduct themselves in a professional manner, including respecting the confidentiality of personnel matters.

2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.

5. The board and administration will consider requests to hear grievances from a group of grievants, but have the discretion to hear and respond to grievants individually.

6. The board and administration will cooperate with the grievant and representative in the investigation of any grievance and will furnish the grievant or representative information pertinent to the grievance without cost to the grievant or the employee against whom the grievance is filed.
7. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

E. Process For Grievance

1. Filing a Grievance

   a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication, or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s), or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision, action, or physical condition at issue, or no concern that
federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1.23, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

2. Response by Official

a. The official shall arrange for a grievance file number to be assigned by the human resources office.

b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.

c. The official shall meet with the grievant at a mutually agreed-upon time within five days after receipt of the grievance.

d. The official shall conduct any investigation of the facts necessary before rendering a decision.

e. The official shall provide the grievant with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

a. If the grievant is dissatisfied with the official’s response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official’s response.

b. The superintendent or designee shall arrange for a meeting
with the to take place within five days of the receipt of the appeal grievant.

c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the grievant with a written decision within 10 days after the meeting with the grievant.

4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant’s employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

a. Mandatory Appeals

i. If the grievant is not satisfied with the superintendent’s response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant’s employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent’s response.

ii. A hearing will be conducted pursuant to policy 1.11, Hearings Before the Board.

iii. The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals
i. If the grievant is not satisfied with the superintendent’s response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has not alleged that a specific decision of a school official adversely affects the grievant’s employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within 10 days of receiving the superintendent’s response.

ii. If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent’s decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

iii. If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board’s decision.

iv. If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 1.11.

v. The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. Records

Appropriate records will be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16

Revised: 5/4/2010; December 1, 2020
3.14 USE OF TOBACCO PRODUCTS

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, “tobacco product” means any product that contains or that is made or derived from tobacco and is intended for human consumption, including but not limited to electronic cigarettes, all lighted and smokeless tobacco products.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.

2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.

3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.

4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.
5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel and the public.

7. All school personnel are required to adhere to and enforce this policy and other policies, rules or regulations addressing the use of tobacco products.


Approved: December 5, 2006
Effective July 1, 2007
Revised: August 7, 2012

3.18 DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW RELATING TO PERSONNEL

The board 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. The board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (40 or older), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. Any form of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in policies 3.18.1/5.3.3.5.2, Title IX Nondiscrimination on the Basis of Sex.
- Discrimination and harassment in employment is addressed in policy 3.18.4, Discrimination and Harassment in the Workplace
In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process.

- Employee allegations of discrimination or harassment will be addressed using the process established in policy 3.18.4, Discrimination and Harassment in the Workplace.

- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 2.17, Nondiscrimination on the Basis of Disabilities (for Section 504 complaints) or in accordance with the procedures described in Parents Rights & Responsibilities in Special Education, published by the NC Department of Public Instruction (for IDEA complaints).

The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for providing effective notice of this policy to students, parents, and employees.

The board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in policy 2.17, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in policy 3.18.4, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.
Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. Prohibited Behaviors

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. “Visitors” includes 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 system.

1. Discrimination

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as it interferes with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system’s education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person’s ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, exclusion from peer groups, extortion of money or possessions, implied or stated
threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

This policy applies to behavior that takes place: (1) in any school building or on any school 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 (6) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. Reporting Discrimination Or Harassment

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about
whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. Complaints Of Discrimination And Harassment

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:

   a. the principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;

   b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or

   c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.
2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with policy 3.18.4, Discrimination and Harassment in the Workplace.

A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1.21, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. School Officials’ Response To Reports And Complaints Of Discrimination Or Harassment

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the
alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 2.17, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator’s determination and the process for addressing the complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, or policy 2.17, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with 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.
2. Investigator’s Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated policy 3.18.3/5.3.3.5.4, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

   i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

   ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and
iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. Appeals

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.
2. Student victims may appeal the superintendent’s decision to the board in accordance with subsection E.5.a of policy 5.18, Student and Parent Grievance Procedure. Employees may appeal the superintendent’s decision to the board in accordance with subsection E.4.a of policy 3.12, Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

**F. Retaliation Prohibited**

The board prohibits reprisal or retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Acts of retaliation may also be subject to policy 3.21, Prohibition Against Retaliation.

**G. Training And Programs**

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees and volunteers who have significant contact with students with additional training regarding the board’s efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, and on cell phones and the Internet.
H. Records

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. Contacts For Inquiries

The superintendent has appointed individuals to coordinate the school system’s efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

a. The Section 504 Coordinator is: EC Director
   Office Address: 100 West Hemstead Street, Lexington NC 27292
   Email Address: cmisenhiemer@lexcs.org
   Phone Number: (336) 242-1527, Ext. 1213

b. The ADA Coordinator is: Assistant Superintendent/Title IX Coordinator
   Office Address: 1010 Fair Street, Lexington NC 27292
   Email Address: dmiller@lexcs.org
   Phone Number: (336) 242-1527, Ext. 1207

c. The Age Discrimination Coordinator is: Assistant Superintendent/Title IX Coordinator
   Office Address: 1010 Fair Street, Lexington NC 27292
   Email Address: dmiller@lexcs.org
   Phone Number: (336) 242-1527, Ext. 1207
d. The Coordinator for Other Non-discrimination Laws is: Assistant Superintendent/Title IX Coordinator

Office Address: 1010 Fair Street, Lexington NC 27292
Email Address: dmiller@lexcs.org
Phone Number: (336) 242-1527, Ext. 1207

e. The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov


Adopted: May 4, 2010
Revised: August 7, 2012; July 17, 2018; February 5, 2018; February 5, 2019; October 6, 2020; December 1, 2020; July 13, 2021

3.18.1 Title IX Nondiscrimination On The Basis Of Sex.
The school system does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not
discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. Inquiries About Title IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is:
Office Address: 1010 Fair Street, Lexington NC 27292
Email Address: dmiller@lexcs.org
Phone Number: (336) 242-1527, Ext. 1207

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020    TDD: 800-877-8339
FAX: 202-453-6021             Email: OCR.DC@ed.gov

B. Resolution Of Grievances

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in policy 5.18, Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy 3.12, Grievance Procedure for Employees.

The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the school system occurring against a person in the United States in accordance
with policies 3.18.2/5.3.3.5.2, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policies 3.18.B/5.3.3.5.1.B before filing a formal complaint.

C. Retaliation Prohibited

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 3.12 and 5.18. Acts of retaliation may also be subject to policy 3.21, Prohibition Against Retaliation.

D. Notice Of The Board’s Policy Of Nondiscrimination Based On Sex

The superintendent is responsible for providing notice of the board’s nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board’s policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.


Adopted: October 6, 2020
3.18.2 Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. The board 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. As provided in policies 3.18.1/5.3.3.5.2, Title IX Nondiscrimination on the Basis of Sex, the board will not tolerate sexual harassment in the education program and activities of the school system. The board takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process. Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

A. Prohibited Behavior

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits sexual harassment by students, employees, board members, volunteers, or visitors. “Visitors” includes 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 system.

Sexual harassment prohibited under Title IX and by this policy is conduct on the basis of sex occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual’s participation in unwelcome sexual conduct;

2. 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 school system’s education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;

3. sexual assault including rape, statutory rape, fondling, and incest;

4. dating violence;

5. domestic violence; or

6. stalking.

Sexual assault, dating violence, domestic violence, and stalking will be defined in accordance with applicable law and the definitions will be incorporated into an administrative regulation developed by the superintendent.

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

All references to “sexual harassment” in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for
sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual’s body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person’s consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

Conduct that is determined not to meet the definition above may violate other board policies or established standards of conduct and will be treated accordingly. For example, conduct that does not meet the definition of Title IX sexual harassment above may nevertheless violate other board policies, including:

- policies 3.18.3/5.3.3.5.4, Bullying and Harassing Behavior Prohibited, prohibiting all forms of bullying and harassing conduct, including when it consists of unwelcome conduct of a sexual nature;
- policy 3.18.4, Discrimination and Harassment in the Workplace, prohibiting harassment in the workplace; or
- policy 3.5, Staff-Student Relations, prohibiting romantic or sexual relationships between employees and students.

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

**B. Definitions**

The following additional definitions apply in this policy.

1. Report

A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.
Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

2. Formal Complaint

A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process.

At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

3. Complainant

The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

4. Respondent

The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

5. Grievance Process

Grievance process means the process for investigating and reaching a final determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policies 3.18.5/5.3.3.5.5.

6. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system’s response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX coordinator is posted on the school system’s website and listed in policies 3.18.1/5.3.3.5.2, Title IX Nondiscrimination on the Basis of Sex.
7. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as 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. Such measures are designed to restore or preserve equal access to the school system’s education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system’s educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

8. Days

Days are calendar days unless specified otherwise.

9. Student(s)

“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.

10. Actual Knowledge

“Actual knowledge” means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. Reporting Sexual Harassment

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system’s education programs
or activities is encouraged to report the matter to the student’s principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

Any of the following confers “actual knowledge” and must be reported immediately:

a. a report of sexual harassment from a student or other person;

b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or

c. the employee or board member discovers evidence of sexual harassment, 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 sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment 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.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.
The mandatory reporting required by this section is in addition to required reporting under policies 3.5, Student-Staff Relations, and 2.1, Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

3. Reporting by Others

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

4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system’s ability to respond fully if the alleged victim is not identified.

5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX coordinator provided on the school system’s website and in policy 3.18.1/5.3.3.5.2, Title IX Nondiscrimination on the Basis of Sex. A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

D. School Official’s Response To Actual Knowledge Of Sexual Harassment

As required to meet the school system’s obligations under Title IX, school officials shall respond promptly and impartially to
actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of other board policies.

1. Title IX Coordinator Initiates Interactive Process with Complainant

Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant’s parent or guardian confidentially. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

When contacting the complainant and parent or guardian, the Title IX coordinator shall do all of the following during the contact and shall document the same:

a. offer supportive measures;

b. consider the complainant’s wishes with respect to supportive measures;

c. explain that supportive measures are available with or without the filing of a formal complaint; and

d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:

i. that a formal complaint will initiate the grievance process described in policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process;
ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;

iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;

iv. the approximate time frame for concluding the grievance process;

v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policies 3.18.5/5.3.3.5.5;

vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and

vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant’s wishes, the Title IX coordinator shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX coordinator determines that supportive
measures should not be provided. If supportive measures are not provided to the complainant, the Title IX coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student’s IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student’s plan necessitates any adjustment to the proposed supportive measures.

3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX coordinator to sign a formal complaint is not to be construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX coordinator a complainant or party to the complaint nor relieve the Title IX coordinator from any responsibilities under this policy.
The Title IX coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent’s responsibility is conclusively established through the grievance process outlined in policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in policies 3.18.5/5.3.3.5.5. An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system’s education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy 5.21,
Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

E. Grievance Process For Formal Complaints

The grievance process for formal complaints of sexual harassment under this policy is set out in policies 3.18.5/5.3.3.5.5, Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.
F. Records

The Title IX coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;

2. that school officials have taken measures that are designed to restore or preserve equal access to the school system’s education program and activities;

3. why school officials believe their response to the report or complaint was not deliberately indifferent; and

4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the superintendent, the Title IX coordinator shall also maintain for seven years all materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system’s website.


Adopted:  October 6, 2020
Revised:  November 10, 2020

3.18.3 Bullying and Harassing Behavior Prohibited.

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board
prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. “Visitors” includes 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 system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school 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 student, employee, or other person is subject to the authority of school personnel; or (6) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. Relationship To Other Policies

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policies 3.18/5.3.3.5.1 (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policies 3.18.2/5.3.3.5.3 (prohibiting sexual harassment)
- Discrimination and Harassment in the Workplace, policy 3.18.4 (prohibiting harassment of employees and applicants based on race, color, national origin, sex, age, disability, military affiliation, or genetic information)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.
Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

B. Conduct That Is Considered Bullying Or Harassing Behavior

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.

2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.

3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person’s association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student’s motivation.

4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats,
such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances or propositions, verbal remarks about an individual’s body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. When Bullying Or Harassing Behavior Violates This Policy

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or

2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits.

“Hostile environment” means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.
The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, or religion may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

D. Reporting Bullying And Harassing Behavior

1. Reports by Students and/or Parents and Guardians
   a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.
   b. Reports may be made orally or in writing and may be made anonymously.
   c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.
   d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, or religion, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees
   An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties
Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. Reports Of Bullying Or Harassing Behavior Based On Sex, Race, Color, National Origin, Disability, Or Religion

Bullying or harassing behavior that is based on sex, race, color, national origin, disability, or religion may constitute discriminatory harassment that is a violation of the individual’s civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other such personal characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policies 3.18/5.3.3.5.1, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion should be resolved by notifying the Title IX Coordinator.

F. Response To Reports Of Bullying Or Harassing Behavior

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or the principal’s designee and addressed in accordance with this policy and policy 5.31, School-Level Investigations. If the principal is the alleged perpetrator, the superintendent will designate an appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the principal or designee determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the principal or designee shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil
rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.

3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. Consequences

1. Students

The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student’s record.

2. Employees

Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3. Others

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement,
as appropriate, in accordance with policy 2.8, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

H. Other Interventions

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. Notice

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. Records

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

Adopted: October 6, 2020

3.18.4 Discrimination and Harassment in the Workplace.
The board prohibits unlawful discrimination in employment based on race, color, religion, national origin, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age (40 or older), disability, or other unlawful grounds. Harassment is a form of unlawful employment
discrimination. The board recognizes that all forms of harassment of employees or applicants is harmful behavior that negatively impacts the workplace environment.

Any employee who engages in discrimination or harassment prohibited by this policy or who contributes to the development of a hostile work environment is subject to discipline, up to and including dismissal.

A. Discrimination Prohibited

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership or that of an associate in a legally-protected class.

Discrimination in employment based on the characteristics listed above is prohibited in all employment-related practices, including hiring, compensation, terms, conditions, and other privileges of employment, except when sex, age, or physical requirements are essential occupational qualifications.

B. Harassment Prohibited

Harassment prohibited by this policy is unwelcome conduct based on race, color, religion, national origin, military affiliation, genetic information, age (40 or older), sex (including pregnancy, childbirth, sexual orientation, and gender identity), or disability where:

1. enduring the offensive conduct becomes a condition of continued employment; or

2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive, even if the complaining individual is not the intended target.

A single incident of harassment, if physically threatening or humiliating, can create a hostile work environment. The complaining individual need not be the target of the harassment.

Examples of unwelcome conduct that may violate this policy include, but are not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.
Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

C. Sexual Harassment Prohibited

Sexual harassment is a particular type of workplace harassment. Sexual harassment prohibited by this policy may also violate policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and in such cases school officials must proceed in accordance with the requirements of that policy.

Prohibited sexual harassment is unwelcome conduct which is either of a sexual nature, or is directed at a person because of the person’s sex (including pregnancy, childbirth, sexual orientation, and gender identity), when:

1. submission to the conduct is made either explicitly or implicitly a term or condition of a person’s employment;
2. submission to or rejection of such conduct is made the basis for decisions affecting a person’s employment; or
3. the conduct has the purpose or effect of unreasonably interfering with an employee’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal, or physical aggression, intimidation, or hostility that is based on actual or perceived gender and sexual stereotypes, sexual orientation, or gender identity. Consensual conduct between adults that is not directed at a third party is not sexual harassment.

D. Reporting Discrimination And Harassment

Applicants and employees should promptly report orally or in writing any instance of alleged or potential discrimination, including harassment, to their principal or supervisor or the senior human resources official. Upon receiving a written complaint,
the principal, supervisor, or senior human resources official shall promptly investigate the written complaint and cause or recommend appropriate corrective action if the written complaint is substantiated. Oral reports of violations may be investigated at the discretion of the school officials designated above. All reports and complaints of harassment under this policy will be investigated in a manner that protects the employee or applicant and maintains confidentiality to the greatest extent possible as permitted by law.

E. Retaliation Prohibited

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 3.21, Prohibition Against Retaliation.


Adopted: October 6, 2020
Revised: July 13, 2021

3.18.5 Title IX Sexual Harassment Grievance Process.
The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.
The superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

A. Definitions

All definitions in policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to “sexual harassment” in this policy.

The following additional definitions apply in this policy.

1. Investigator

   The investigator is the school official responsible for investigating and responding to a formal complaint.

2. Decision-Maker

   The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

3. Investigative Report

   The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.

4. Remedies

   Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant’s equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

   Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and
other measures determined by school officials to be necessary to restore or preserve the complainant’s equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

B. Filing A Formal Complaint To Initiate The Grievance Process

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint
   a. Eligible Complainants

   Eligible individuals who believe that they have been sexually harassed in violation of policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. 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 system at the time of filing.

   b. The Title IX Coordinator

   If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

2. Time Period for Filing a Formal Complaint

   There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably
within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct forming the basis for the complaint is ongoing. 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.

In addition, in some circumstances it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system’s legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.

3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student’s parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

4. How to File the Formal Complaint

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator or on the school system website.

5. School System’s Response to Receipt of the Formal Complaint

a. Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant’s wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of policies 3.18.2/5.3.3.5.3, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.
b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.

c. The formal complaint initiates the grievance process as described below.

C. General Principles Of The Grievance Process For Formal Complaints

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

1. Equitable Treatment

Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.
The complainant and respondent will both be provided a description of the range of supportive measures available to them.

2. Adequate Training

The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system’s education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system’s legal obligation to make all training materials available on the school system’s website.

3. Presumption of Non-Responsibility/Innocence

At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. Burden of Proof and Production of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event’s date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.
6. Confidentiality and Privacy

The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

School officials shall not access, consider, disclose, or otherwise use a party’s medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party’s voluntary written consent.

7. No Disclosure of Privileged Information

No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.
D. The Grievance Process For Formal Complaints: PART I – Investigation

1. Step 1 – Notice of Allegations

   a. Upon the filing of a formal complaint, the Title IX coordinator shall, within five school business days, provide the known parties written notice of the allegations that includes:

      i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

          a) the identities of the parties involved, if known;

          b) the conduct allegedly constituting sexual harassment; and

          c) the date and location of the alleged incident, if known;

      ii. a copy of this policy to give notice of the school system’s grievance process, including the investigative and adjudication procedures, and any informal resolution process available;

      iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;

      iv. notice of the provision in board policy 5.31, School-Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and

      v. a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.

   b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.
2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system’s education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.

ii. If the respondent is an employee or applicant for
employment, the investigator is the senior human resources official or designee.

iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which the complainant is enrolled or employed shall be the investigator.

iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.

c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

4. Step 4 – Conducting the Investigation

The 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 sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.
a. 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 or respondent; and (4) any other individuals who are thought possibly 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 in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.

d. The formal complaint and the investigation will be kept confidential to the extent possible. 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 legal responsibilities of the school system.

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and
reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

5. Step 5 – Investigative Report and Opportunity to Review Evidence

a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.

b. Before completing the final report, the investigator shall send to each party and the party’s advisor, if any, in hard copy or electronically, 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.

c. 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 discipline sanction.

d. 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. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. 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.

e. The investigator shall provide to the decision-maker 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.

E. The Grievance Process For Formal Complaints: Part II – Adjudication

The superintendent or designee (hereinafter “superintendent”) shall
serve as the decision-maker. In his or her role as decision-maker, the
superintendent shall provide for the exchange of questions between
the parties and a decision on responsibility in a manner consistent
with state law and as provided below.

1. Step 1 – Student’s Opportunity to Request a Hearing

   In cases where the respondent is a student, after the
   investigative report has been sent to the parties, both parties
   shall have three school business days to request a hearing.
   If either party requests a hearing, the long-term suspension
   hearing procedures described in policy 5.3.4.8, Student
   Discipline Hearing Procedures, shall be followed, except that
   (1) both parties shall have the right to participate in the hearing
   to the extent required by Title IX; (2) all the evidence sent to
   the parties pursuant to subsection D.5.b above will be made
   available at the hearing to give each party equal opportunity to
   refer to such evidence during the hearing; and (3) prior to the
   hearing, both parties shall have a limited opportunity to submit
   and respond to written questions and follow-up questions as
   provided below.

2. Step 2 – Exchange of Questions and Answers

   Whether or not there will be a hearing and regardless of
   whether the respondent is a student, after the parties are sent
   the investigative report, the superintendent shall provide the
   parties an opportunity to submit written, relevant questions
   that the party wants asked of any other party or witness,
   provide each party with the answers, and allow for additional,
   limited follow-up questions from each party in accordance
   with a reasonably prompt time frame established by the
   superintendent. The parties shall submit their initial set of
   written questions at the time they submit their response to the
   investigative report as described in subsection D.5.d above.
a. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s sexual behavior with respect to the respondent and is offered to prove consent.

b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the superintendent deems appropriate. The superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 4 – Written Determination Regarding Responsibility

The superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

a) identification of the allegations potentially constituting sexual harassment under board policy;

b) a description of the procedural steps taken from the receipt of the formal complaint through the determination,
including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c) findings of fact supporting the determination;

d) conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;

e) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system’s education program and activities will be provided to the complainant;

f) the procedures and permissible bases for the complainant and respondent to appeal; and

g) any other notices that are required to accompany the decision under state law, such as when the superintendent imposes a long-term suspension or recommends dismissal of an employee.

F. Grievance Process For Formal Complaints: Part III – Appeal

The parties shall have the right to appeal to the board of education the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the board at the same time. If both parties appeal, the appeals will be heard at the same time.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the superintendent within three school business days of receiving the determination regarding responsibility, unless the
party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

a. procedural irregularity that affected the outcome of the matter;

b. 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;

c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter;

d. the disciplinary sanction is inappropriate or unreasonable; or

e. any other basis provided by law or board policy governing appeals to the board.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

3. Appeal Procedures

a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.

b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy 1.11, Hearings Before the Board, modified as necessary to allow equal participation of the parties.

If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 5.3.4.8, Student Discipline Hearing Procedures; policy 3.9.7, Classified Personnel: Suspension and Dismissal; or policy 3.9.3, Professional Employees: Demotion and Dismissal, shall also apply as applicable.

c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of,
or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party’s written statement.

d. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

4. Decision on Appeal

a. After considering the record and written statements of the parties, the board will determine whether the grounds for the appeal have been substantiated.

b. If substantiated, the board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.

c. The board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The superintendent 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 the complainant, as described in subsection G.4 below.
G. Disciplinary Consequences, Remedies, And Other Responses For Substantiated Sexual Harassment

1. Disciplinary Consequences for Students

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

2. Disciplinary Consequences for Employees

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board
policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy 2.8, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.
H. Informal Resolution

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual’s enrollment, employment, or other rights on an agreement to waive the individual’s right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:
   a. the allegations;
   b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and
   c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and

2. obtain the parties’ voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties’ equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.
Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

I. Retaliation Prohibited

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 3.21, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policies 3.18.1/5.3.3.5.2, Title IX Nondiscrimination on the Basis of Sex.

J. Records

The superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:
   a. any determination regarding responsibility;
   b. any audio or audiovisual recording or transcript from any live hearing;
   c. any disciplinary sanctions imposed on the respondent; and
   d. any remedies provided to the complainant designed to restore or preserve equal access to the school system’s education program and activities;
2. any appeal and the result therefrom;
3. any informal resolution and the result therefrom; and
4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers,
and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system’s website.


Adopted: October 6, 2020
Revised: November 10, 2020

3.5 STAFF-STUDENT RELATIONS

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms “staff” and “employees” include independent contractors, school safety officers, and volunteers, but do not include student employees or student volunteers.

A. Romantic Relationships And Sexual Contact Prohibited

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student’s age. Employees engaging in such inappropriate conduct will be subject
to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202-.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. Restrictions On Electronic Communications

1. In accordance with policy 3.20, Personnel Internet Use, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 3.20 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy.

2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 3.20 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee’s supervisor and the student’s parent. This rule shall not apply, however, if one or more of the following circumstances exist:

   a. The communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years, (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g. Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur;
b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee’s supervisor or designee and, upon request, to the parent or guardian;

c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or

d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.

5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

a. the content, frequency, subject, and timing of the communication(s);

b. whether the communication(s) was appropriate to the student’s age and maturity level;

c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;

d. whether there was an attempt to conceal the communication(s) from the employee’s supervisor and/or the student’s parent or guardian;
e. whether the communication(s) created a disruption of the educational environment; and
f. whether the communication(s) harmed the student in any manner.

C. Reporting Inappropriate Conduct

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
b. that another employee has engaged in other behavior prohibited by this policy; or
c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 3.18.1/5.3.3.5.2, Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy 5.3.3.10, Criminal Behavior.

4. Report to State Superintendent of Public Instruction

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or
a principal, who knows or has reason to believe that a licensed employee has engaged in conduct that would justify automatic revocation of the employee’s license pursuant to G.S. 115C-270.35(b) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a student or causing a student to commit a sexual act, regardless of consent and the age of the student. Failure to report such conduct may result in the suspension or revocation of an administrator’s license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 2.1, Child Abuse and Related Threats to Child Safety, as applicable.


Adopted: January 9, 2007
Revised: March 7, 2017; January 14, 2020; October 6, 2020; December 1, 2020; August 3, 2021

5.3.3.7 Zero Tolerance, Weapons, Bomb Threats, And Clear Threats To Safety. The board will not tolerate the presence of weapons or destructive devices, bomb or terrorists threats or actions that constitute a clear threat to the safety of students and employees. Any student who violates this policy will be removed from the classroom or school environment for as long as necessary to provide a safe and orderly environment for learning.

A. Prohibited Behavior

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using, or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be
used as a weapon. Weapons include, but are not limited to the following:

a. loaded and unloaded firearms, including guns, pistols and rifles;

b. destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades and mines;

c. knives, including pocket knives, bowie knives, switchblades, dirks and daggers;

d. slingshots or slungshots;

e. leaded canes;

f. blackjacks;

g. metal knuckles;

h. BB guns;

i. air rifles or air pistols;

j. stun guns and other electric shock weapons, such as a tasers;

k. icepicks;

l. razors or razor blades (except those designed and used solely for personal shaving);

m. fireworks;

n. gun powder, ammunition, or bullets;

o. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance; and

p. mace, pepper spray, and other personal defense sprays.

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid any other student to possess, handle, or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other
person with such an item, or who becomes aware that another student or other persons intends to possess, handle or use such an item must notify a teacher or the principal immediately.

This section does not apply to board-approved and authorized activities for which the board has adopted appropriate safeguards to protect student safety.

If a student accidentally brings a weapon or object that can reasonably be considered a weapon to school, the student must do all of the following:

a. Upon discovery, leave it where he or she finds it. This maybe a jacket pocket, book bag, or locker.

b. Do not show it to anyone.

c. Immediately notify the School Resource Officer or the first educator he or she sees. This may be a teacher, a teacher assistant, an administrator, a counselor, a secretary or a custodian.

d. Give the item to the educator.

A student must prove he or she did not knowingly or willfully bring the pocketknife or non-lethal weapon to school. The principal or assistant principal will investigate each case individually to determine if the weapons policy has been violated. The principal will determine whether the object will be destroyed or delivered to a parent or legal guardian of the student. This procedure does not apply to firearms, explosives or to any weapons defined under North Carolina Statute 14-269.

2. Bomb Threats

Students are prohibited from:

a. making a bomb threat, regardless of whether the student intends to or has the means to carry out the threat;

b. perpetrating a bomb hoax against school system property by making a report, knowing or having reason to know the report is false, that a bomb or other device designed to cause damage or destruction by explosion, blasting or burning is located on school property or at a school system event;
c. Perpetrating a bomb hoax by concealing, placing, or displaying any device on school system property or at a school system event, so as to cause any person reasonably to believe the same same to be a bomb or similar device intended to cause injury to persons or property; and

d. knowingly or willfully causing, encouraging, or aiding another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat, or perpetrate a bomb hoax must notify a teacher or the principal immediately.

3. Terrorist Threats

Students are prohibited from making a terrorist threat or perpetrating a terrorist hoax by:

a. threatening to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat;

b. making a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event;

c. making a report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school system property or at a school system event; or

d. Concealing, placing, disseminating, or displaying on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life-threatening illness or injury to another person.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:
a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

b. the intentional and malicious burning of any structure or personal property, including any vehicle;

c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;

d. an attack by a student on any employee, adult volunteer, or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;

e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;

f. any intentional, highly reckless or negligent act that results in the death of another person;

g. confining, restraining or removing another person from one place to another, without the victim’s consent or the consent of the victim’s parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;

h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another’s use or possession in a reckless manner so that harm is reasonably foreseeable;

i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;

j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;

l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school

B. Consequences

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with The Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, stun gun, air rifle, or air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary, or poison gas (1) bomb, (2)
grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

The provisions of this policy shall not apply to a person who has a concealed handgun permit that is valid under Article 54B of Chapter 14 of the North Carolina General Statutes, or who is exempt from obtaining a permit pursuant to that Article, who has a handgun in a closed compartment or container within the person’s locked vehicle or in a locked container securely affixed to the person’s vehicle. A person may unlock the vehicle to enter or exit the vehicle provided the firearm remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit.


Approved: July 21, 1992
Revised: September 5, 1995; May 1, 2001; May 4, 2010; July 19, 2011; August 2, 2011; October 1, 2013; March 7, 2017; February 5, 2019; January 14, 2020

5.3.4.7 Radios, CD/DVD Players, Ipods, Beepers, Cell Phones or Other Electronic Communication Devices.
The board recognizes that cellular phones and other similar wireless communication devices have become an important tool through which parents communicate with their children. Therefore, students are permitted to possess cell phones and other similar wireless communication devices on school property as long as such devices are not “in use” (turned on, beeping, sounding, etc.) displayed, or visible during the instructional day or as otherwise directed by local school rules or school personnel. These devices and accessories are not to be visible or activated in any manner during the school day.
The school is not responsible for the loss or theft of any such items
and advises that these items should be secured by students during the school day.

Classroom use of these devices is strictly prohibited. Parents should not call or text students during the day. Parents should call the front office to leave messages in the event of an emergency. The penalty for violation of this policy is as follows:

- First offense - the student will be warned and the device is to be turned off and put away immediately.
- Second offense - the item will be confiscated and a parent can pick up the device at the end of the school day.
- Third offense - the item will be confiscated and a parent can pick up the device at the end of the semester.

In the event the device is confiscated school administrators may conduct reasonable searches and seize materials subject to the provisions of Section 5.2.3 of this policy. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

Any student who refuses to give a staff member the electronic device when requested results in an automatic three (3) day out of school suspension.

Aggregating factors may subject a student to more stringent disciplinary consequences, up to and including expulsion. The following factors should be considered when determining appropriate consequences, whether the wireless communication device was used:

1. to reproduce images of tests, to access unauthorized school information, or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation, or school rule;
2. to take illicit photographs;
3. to bully or harass other students; or
4. in any other manner that would make more severe disciplinary consequences appropriate.

Adopted: August 5, 2008
Revised: May 4, 2010; July 12, 2011; August 2, 2011
3.15 DRUG-FREE AND ALCOHOL FREE WORKPLACE

It is the policy of the Lexington City Board of Education that all employees shall have the right to a workplace which is free of alcohol and other drugs. This policy is established to ensure the safety and well-being of employees of the Lexington City Board of Education. All employees of the Board including permanent full-time, permanent part-time, and temporary will be covered by this policy. This policy will govern each employee before, during or after school hours while on any property owned or leased by the Board of Education; at any time during which the individual employee is acting in the course and scope of his or her employment; and at any time that the employee’s violation of this policy has a direct and adverse effect upon his or her job performance.

A. Employee Assistance Program

The Lexington City Board of Education is committed to maintaining and strengthening its most important resource—its employees. The Board recognizes that many kinds of personal problems which affect job performance can be more readily resolved if they are properly identified, diagnosed, and treated. Without appropriate intervention, an employee presents a problem not only to himself, but to his/her family and to the employer as well.

The Board has a strong commitment to assist any employee who voluntarily asks for help. To accomplish this goal, the Board has initiated an Employee Assistance Program (E.A.P.) to provide confidential short-term counseling and referral services for eligible employees. The establishment of this program reflects the Board’s concern for the well-being of its employees, as well as its dedication to the effective accomplishment of the objectives of the school system. It is the employee’s responsibility to seek help for such personal problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by the Board and the supervisor.

1. The Board recognizes that an employee or member of his family may have personal problems which adversely affect the employee’s job performance. The Board believes that resolution of personal problems is in the best interest of both the employee and the employer.
2. All communications and information received by the E.A.P. staff will be kept strictly confidential.

3. Employee absences from work for evaluation, counseling, or treatments, and any leave needed under this program, will be handled in accordance with existing leave policies.

4. Neither the Board nor its staff will impose or imply a moral judgment on an employee who may be experiencing a personal problem and who seeks help through the E.A.P. The Board assures that there will be no discrimination against the employee in terms of job security or promotion opportunities based upon use of the E.A.P. The use of the E.A.P. will not alter standard administrative practices applicable to job performance evaluations. No documentation in the personnel files of the employee will refer to an employee’s participation in or failure to participate in the E.A.P.

5. Employees eligible for participation include all full-time and permanent part-time staff.

6. The acceptance or rejection of referrals from the E.A.P. is the responsibility of the employee, as are any costs for services of referral agencies.

B. Alcohol And Drug Abuse At The Workplace

1. Prohibited Activities

   The Board of Education prohibits employees from possessing, using, selling, delivering, manufacturing or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance or any other illegal or controlled substance as defined in (1) schedules I through VI of the North Carolina Controlled Substances Act or in (2) schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15 at any time this policy is applicable. Employees are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of a substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at any time this policy
is applicable, regardless of whether it constitutes a controlled substance under state or federal law. Employees must not, at any time this policy is applicable, be impaired by the use of substances intended to induce exhilaration or euphoria or alter mood or behavior or be impaired by the excessive use of prescription or nonprescription drugs. This policy is not violated by an individual’s proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

Employees are prohibited from using or being under the influence of alcohol or drugs while acting in the course and scope of employment duties, while at school-sponsored activities or while on school property. This policy does not apply to an employee’s consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

2. Applicability

This policy governs each employee before, during or after school hours while the employee is on any property owned or leased by the board of education; at any time during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee’s violation of this policy has a direct and adverse effect upon his or her job performance.

3. Duty to Report

An employee must notify his or her supervisor and the assistant superintendent of human resources in writing of any arrest, charge or conviction under any criminal drug statute. (See also policy 3.7, Employee Responsibilities, Working Hours, Overtime, Compensatory Time and Assignment, Reassignment, and Transfer of Employees). Notification must be given no later than the next scheduled business day after such arrest, charge or conviction unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. The notification must be given before the employee reports to work. Within 10 days of receiving notice of a criminal drug statute conviction for a violation occurring in the workplace by an
employee whose position is funded in any part by a federal grant, the director of human resources or designee shall notify the funding agency of the conviction. “Conviction” as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, nolo contendere, no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued (“PJC”) or a deferred prosecution.

Any employee who has been convicted of or pled guilty to violating the statutes prohibiting the manufacture, distribution, dispensing, possession, or use of alcohol or a controlled substance as defined in Chapter 90, Article 5, of the General Statutes of North Carolina shall be subject to disciplinary action by the Board including dismissal, provided, however, that any employee who is covered by G.S. 115C-325, which provides that the use of non-medical drugs is a reason for dismissal, shall have all rights which are granted to the employee by that statute.

An employee who is charged with the violating of any law relating to the use of drugs or alcohol shall immediately report this charge to the Board of Education. Failure to do so will be considered neglect of duty and failure to follow the rules and policies of the Board of Education.

4. Consequences

Any employee who violates this provision at the workplace or while representing the Board of Education is subject to disciplinary action up to and including termination. Any illegal drug activity will be reported to the appropriate law enforcement authority.

Violation of this policy will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school system or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees.
C. Impairment On The Job

No employee shall attempt to perform his or her duties or be present on school premises or attend any school related function while impaired by or under the influence of alcohol or drugs including drugs prescribed by a physician and over-the-counter medication. If such impairment is indicated by physical observation, communication, reputed drug use by a reliable source, a pattern of unexplained preventable accidents, or other reliable information, an investigation shall be conducted which shall include an alcohol and/or drug screen.

Following the investigation, which shall include an alcohol and/or drug screening, the supervisor shall schedule a conference with the employee to review the results of the investigation and to give the employee the opportunity to respond. When the findings of the investigation include substantiated use, referral to and clearance by the Employee Assistance Program (E.A.P.) will be a condition for continuation of employment. As a further disciplinary action, the employee shall be required to consent to unannounced drug tests in accordance with the testing procedure for a period of up to three years. If an unannounced test produces a positive result, the employee may be dismissed. Presence at the workplace while impaired is personal conduct for which disciplinary action up to and including dismissal may be imposed.

An employee who is using medication which might alter his ability to perform his duties shall notify his supervisor. If, in the opinion of the employee’s supervisor, an employee’s actions and/or behavior are considered unsafe as a result of using medication, the employee may be sent home on sick leave.

Failure to notify the supervisor shall be deemed personal conduct which shall be cause for disciplinary action.

D. Alcoholic Beverages

The possession or consumption of alcoholic beverages, including beer, malt liquor, and wine is not permitted on property owned by the Lexington City Board of Education. Any person who possesses or consumes any alcoholic beverage on school property will be asked to leave the school property immediately, and if he/she fails to do so, will be arrested and prosecuted. This policy is in addition to and does not modify in any way the Code of Student Conduct adopted by the Lexington City Board of Education.
E. Supervisory Responsibilities

A supervisor who knowingly tolerates or ignores information and events, as described in this policy, that are brought to his/her attention is considered to be acting irresponsibly in carrying out the intent of this policy. This supervisor shall be disciplined in accordance with the job performance category of the board’s disciplinary action policy.

Volunteers/Chaperones: A person volunteering in Lexington City Schools shall not possess nor consume any alcoholic beverages—including beer, malt liquor, wine, or illegal drugs—during the time they are serving as a volunteer on the school campus or in a school activity. The supervising Lexington City Schools employee shall be responsible for addressing this situation should it arise with a volunteer.

F. Drug Testing

To ensure a drug and alcohol free workplace, the Lexington City Board of Education endorses the following categories of drug and alcohol testing.

1. All job applicants are required to undergo a pre-employment drug screen upon an offer of employment and prior to their final employment. All employees with positive pre-employment drug screens for legal drugs will have the opportunity to explain to the school system’s medical review officer the results of their screen. These applicants shall not be hired unless a valid explanation is corroborated by the Medical Review Officer.

2. All employees are subject to immediate drug and alcohol screening if a trained supervisor bases the request for screening on current, observable, performance-based conditions. Individuals tested for reasonable suspicion must be informed of the reason they are being tested. If a current employee is referred for treatment of a substance abuse problem for illegal drugs or alcohol, unannounced and follow-up testing will be conducted to assure the employee does not return to alcohol or drug use. A positive screen of .01 may result in dismissal. Refusal by an employee to be screened will be viewed as a verified positive result. Disciplinary action up to and including dismissal shall occur. Due process shall be followed.
G. Drug And Alcohol Testing Of Commercial Motor Vehicle Operators

The purposes of this policy are to help ensure the safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program for the drug and alcohol testing of school bus drivers and all other commercial motor vehicle operators employed by the board of education.

1. Applicability

This policy applies to any driver which, for purposes of this policy, is defined as any employee, volunteer, or independent contractor whose duties for the board of education require a commercial driver’s license under federal law. This includes anyone who regularly or intermittently drives a school bus, an activity bus, a vehicle designed to transport 16 or more people (including the driver), or any other vehicle that meets the definition of commercial motor vehicle under 49 C.F.R. 382.107. Employees who operate vehicles for inspection, service, or maintenance purposes are included in this definition.

2. Prohibited Acts

No driver may:

a. operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver’s body, in violation of G.S. 20-138.2B;

b. use alcohol while performing safety-sensitive functions;

c. perform safety-sensitive functions within four hours after using alcohol;

d. use alcohol within eight hours following an accident while operating a commercial motor vehicle or until undergoing a post-accident alcohol test, whichever occurs first.;

e. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Schedule I drug or substance; or

f. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other federal schedules of controlled drugs, unless such
use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver’s medical history and has advised the driver that use of the substance will not adversely affect the driver’s ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include, but are not limited to, inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading or unloading of a commercial motor vehicle; and repairing, obtaining assistance for, or remaining in attendance upon a disabled vehicle.

In addition, drivers and anyone who supervises drivers must not commit any act prohibited by federal law, including the federal regulation entitled “Controlled Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as Part 382), or this policy.

3. Testing

The human resources office will carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as required by Part 382.9 Federal regulations prohibit a driver who is tested under the provisions of this section and found to have an alcohol concentration of at least .02 from performing safety-sensitive functions for at least 24 hours following administration of the test. Drivers who are tested under the provisions of this section and found to have any alcohol in their system are subject to additional discipline under this policy, including dismissal.

4. Employee and Applicant Inquiries

All employees subject to this policy, all employees who would be become subject to this policy by virtue of a change or expansion of duties, and all applicants who would be subject to this policy if employed by the board must consent in writing to the release of any information gathered pursuant to Part 382 by any previous employers and must give written or electronic consent to any query by school officials of the federal Commercial Driver’s License Drug and Alcohol Clearinghouse (“Clearinghouse”).
a. Pre-Employment Inquiry

Before employing any applicant subject to this policy, school officials shall obtain, pursuant to the applicant’s written consent, all records maintained by the applicant’s previous employer regarding violations of Part 382 in the three years prior to the inquiry date. School officials shall also conduct a query of the Clearinghouse, pursuant to the applicant’s electronic consent submitted through the Clearinghouse, to obtain any information regarding the applicant’s violations of Part 382.

If school officials obtain information from the applicant’s previous employer or from the Clearinghouse that the applicant committed a violation of Part 382 and has not subsequently completed the return-to-duty process required under federal law, the applicant may be disqualified from employment.

b. Annual Query

School officials shall conduct a limited query of the Clearinghouse at least once per year for each employee subject to this policy, pursuant to the employee’s written or electronic consent, to determine whether information exists about the employee regarding violations of Part 382. If information exists about the employee, school officials shall obtain the information in the Clearinghouse within 24 hours of conducting the limited query, subject to the employee’s electronic consent submitted through the Clearinghouse.

5. Training and Education

Each driver and supervisory employee, including principals and assistant principals, must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences, and other aspects of Part 382, this policy, and any accompanying administrative procedures. The information also will identify a school system employee who is responsible for providing information on substance abuse. Each employee must sign a statement certifying his or her receipt of these materials.

Each supervisor who is responsible for overseeing the performance of drivers, including principals and assistant principals, must undergo at least one hour of training concerning alcohol misuse and
one additional hour of training concerning drug abuse.

6. Referrals

Each driver who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

7. Consequences

Employees who have committed a prohibited act; refused any test required by this policy; or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to disciplinary action, up to and including dismissal.

Any employee who has committed a violation of Part 382 will not be allowed to perform any safety-sensitive functions until the employee has completed the return-to-duty process, including an evaluation by a substance abuse professional, completion of any appropriate treatment designated by the substance abuse professional, and achievement of a negative return-to-duty test. Moreover, if the employee’s violation of Part 382 has been reported to the Clearinghouse, the employee may not resume safety-sensitive functions until a query of the Clearinghouse demonstrates that the employee completed the return-to-duty process.

8. Procedures

All procedures for collection and testing provided in the Federal Highway Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” (49 C.F.R. pt. 40) and all requirements in Part 382, including testing, reporting, record retention, training, and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent shall develop any other procedures necessary to carry out these regulations.

Legal references: G.S. 20-138.2B; 115C-26

Revised: January 9, 2007; January 12, 2012; July 17, 2018; January 14, 2020; August 11, 2020
5.7 TITLE I PARENTAL AND FAMILY ENGAGEMENT

The Lexington City Board of Education recognizes the value of family engagement in a child’s academic success and believes that the education of children is an ongoing cooperative partnership between the home and the school. Parents and other family members are their children’s first teachers; therefore, the continued involvement of parents and family members in the educational process is most important in fostering and improving educational achievement. School system officials shall strive to support parents and provide parents and family members with meaningful opportunities to become involved in the programs offered by the Title I schools. The board encourages parents and family members to participate in the design and implementation of the programs and activities in order to increase the effectiveness of the school system’s Title I program in helping students meet state and local achievement standards.

A. Definition Of Parent And Family Engagement

For the purposes of this policy, the term “parent and family engagement” means the participation of parents, guardians, and other family members in regular, two-way and meaningful communication involving student learning and other school activities, including ensuring the following:

1. that parents and family members play an integral role in assisting their child’s learning;

2. that parents and family members are encouraged to be actively involved in their child’s education at school; that parents are full partners in their child’s education and parents and family members are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and

3. that the school system utilizes activities to support parent and family engagement in the Title I programs.

B. Purpose And Operation Of Title I Program

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they receive an equitable, high quality, well-rounded education and meet the school system’s challenging academic standards. The Title I program provides instructional activities and
supportive services to eligible students over and above those provided by the regular school program.

Qualified Title I schools will operate as school-wide programs or targeted assistance programs based upon federal eligibility criteria. School-wide programs will provide comprehensive support to offer improved opportunities for all students in the school to meet the school system’s academic standards. Targeted assistance programs will provide services to eligible students most in need of assistance in school, as determined by objective criteria established by the superintendent or designee. Eligibility criteria may include, for example, standardized test scores, teacher judgment, and results of preschool screening and home-school surveys.

Both school-wide and targeted assistance programs shall be based on effective means of improving student achievement and shall include evidence-based strategies to support parental and family engagement.

C. Annual Meeting And Program Evaluation

Each year, school officials must invite parents of students participating in Title I programs to a meeting to explain parental rights, discuss the programs and activities to be provided with Title I funds, and solicit input on the Title I program and this policy. In addition, school officials must provide parents and family members a meaningful opportunity annually to evaluate the content and effectiveness of the Title I programs and the parent and family engagement policies and plans. Information collected from these proceedings will be used to revise Title I programs and parent and family engagement plans.

D. Parent And Family Engagement Efforts

The board believes that the involvement of Title I parents and family members in the design and implementation of the Title I program will increase the effectiveness of the program and contribute significantly to the success of the children. The Title I staff and all school system personnel shall strive to conduct outreach to parents and family members and involve them in activities throughout the school year.

The superintendent shall ensure that this system-level parent and family engagement policy and plan is developed with, agreed upon with, and annually distributed to parents and family members of participating students. In addition to the system-level parent and
family engagement plan, each school participating in the Title I program shall jointly develop and annually distribute to parents and family members a school-level written parent and family engagement plan that describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in the Title I programs, including parents and family members who have limited English proficiency, who have disabilities, or who are migratory. School-level plans must involve parents in the planning and improvement of Title I activities and must provide for the distribution to parents of information on expected student achievement levels and the school’s academic performance.

School officials will invite appropriate school personnel from private schools to consult on the design and development of its programs in order to provide equitable services to students enrolled in private schools. The superintendent or designee shall establish any additional procedures necessary to achieve timely and meaningful consultation with private school officials in accordance with federal law.

In addition, school system officials and Title I school personnel shall do the following:

1. involve parents and family members in the joint development of the Title I Program and school support and improvement and the process of school review and improvement by including parents on the school advisory committee and any committees that review the Title I program;

2. provide coordination, technical assistance, and other support from various central office departments necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities that are designed to improve student academic achievement and school performance;

3. coordinate and integrate parent and family engagement strategies in the Title I program to the extent feasible and appropriate with parental engagement strategies established in other federal, state, and local laws and programs;
4. with the meaningful involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parent and family engagement policies and program in improving the academic quality of the school and assisting students to meet the school system’s academic standards;

5. strive to eliminate barriers to parental participation by assisting parents who have disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;

6. provide outreach and assistance to parents and family members of children who are participating in Title I programs in understanding the state’s testing standards, the assessments used, Title I requirements and all national, state and local standards and expectations through such efforts as community-based meetings, posting information on school websites, sending information home, newsletters, workshops, and newspaper articles;

7. design a parent–student–school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;

8. with the assistance of parents, ensure that teachers, specialized instructional support personnel, principals and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with, and reach out to parents as equal partners in education;

9. distribute to parents information on expected student proficiency levels for their child and the school’s academic performance, and provide materials and training to help parents monitor their child’s progress and work with educators to improve achievement through such methods as literacy training or using technology, which may include education about the harms of copyright piracy;

10. coordinate and integrate, to the extent feasible and appropriate, parental involvement programs and activities with federal,
state, and local programs, including public pre-school programs and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;

11. strengthen the partnership with agencies, businesses, and programs that operate in the community, especially those with expertise engaging parents and family members in education;

12. ensure that parents are involved in the school’s Title I activities; and

13. provide such other reasonable support for Title I parental involvement activities as requested by parents.

E. Notice Requirements

School system officials and Title I school personnel shall provide effective notice of the following information as required by law. The notice must be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

1. Program for English Learners

Each year the principal or designee shall provide notice of the following to parents of English learners identified for participation in a Title I, Part A or Title III funded language-instruction educational program:

a. the reasons for the child’s identification;

b. the child’s level of English proficiency and how such level was assessed;

c. methods of instruction;

d. how the program will help the child;

e. the exit requirements for the program;

f. if the child has a disability, how the language instruction educational program meets the objectives of the child’s individualized educational program (IEP);

g. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal, and selection of a program for English learners; and
h. notice of regular meetings for the purpose of formulating and responding to recommendations from parents.

i. System Report Card

2. Each year, school system officials shall disseminate to all parents, schools, and the public a school system report card containing information about the school system and each school, including, but not limited to:

a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

c. the percentage and number of students who are:
   i. assessed,
   ii. assessed using alternate assessments,
   iii. involved in preschool and accelerated coursework programs, and
   iv. English learners achieving proficiency;

d. the per pupil expenditures of federal, state, and local funds; and

e. teacher qualifications.

3. Teacher Qualifications

a. At the beginning of each year, school system officials shall notify parents of students who are participating in Title I programs (1) of the right to request certain information on the professional qualifications of the student’s classroom teachers and paraprofessionals providing services to the
child and (2) that such information will be provided in a timely manner (see policy 3.3, Personnel Files).

b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level or subject area in which the teacher has been assigned.

4. Student’s Academic Growth and Achievement

School officials shall provide to each parent of a student who is participating in a Title I program information on the level of achievement and academic growth, if applicable and available, of the student on each of the state’s academic assessments.

5. Parental Rights and Opportunities for Involvement

a. Each year, the principal or designee of a Title I school shall provide notice to parents of the school’s written parent and family engagement policy, parents’ right to be involved in their child’s school, and opportunities for parents to be involved in the school.

b. At the beginning of each school year, the principal or designee of a Title I school shall provide notice to parents of (1) their right to request information regarding student participation in state-required assessments and (2) that such information will be provided in a timely manner.

F. Website Distribution Of Information

Each year, school system officials shall publicize on the school system website and, where practicable, on the website of each school:

1. The report card described in subsection E.2, above; and

2. information on each assessment required by the state and, where feasible, by the school system, organized by grade level. The information must include:

   a. the subject matter assessed;

   b. the purpose for which the assessment is designed and used;

   c. the source of the requirement for the assessment;
d. if available, the amount of time students will spend taking the assessments and the schedule of the assessments; and
e. if available, the time and format for distributing results.

The superintendent shall develop any administrative procedures necessary to implement the requirements of this policy.


Revised: October 3, 1995; December 8, 1997; August 7, 2012; March 7, 2017; August 11, 2020
Questions?
If you have a question about the Lexington City Schools, the best sources of information are the principals and teachers who are involved in the school on a daily basis. If you need information beyond the school level, Superintendent Dr. Anitra Wells and the central office staff members will assist you.

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