



**Moore County Board of Education**

Elizabeth Carter, Chair

Pam Thompson, Vice Chair

Dr. Betty Wells Brown

Stacey Caldwell

Ed Dennison

Helena Wallin-Miller

John Weaver

Dr. Robert Grimesey, Superintendent

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**Moore County Board of Education  
Policy Committee Meeting  
Tuesday, September 1, 2020  
2:00 p.m.  
Central Office Board Room**

**MINUTES**

Members of Moore County Board of Education’s Policy Committee met on September 1, 2020, properly distanced and masked in the Board Room at Central Office with Committee Chair Dr. Betty Wells Brown calling the meeting to order at 2:00 p.m. Also in attendance were committee members Stacey Caldwell and Helena Wallin-Miller; Board of Education member Ed Dennison joining by phone; and committee liaison Anita Alpenfels. The committee unanimously approved the agenda.

The review of policies was largely a result of policy revisions recommended in response to new federal Title IX regulations issued by the United States Department of Education in May 2020.

The committee unanimously approved the policy additions, revisions and deletions below to be presented for approval on first reading at the September 8, 2020, Board of Education work session.

The meeting adjourned at 3:00 p.m.

The following policies are added/revised/deleted in response to new Title IX regulations issued by the U.S. Department of Education in May 2020.

1. **Policy 3011/4011/6890 – NONDISCRIMINATION ON THE BASIS OF DISABILITIES**..... page 4
2. ~~**Policy 3037/4037/6640/8337 – PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING**~~ ..... page 5
3. ~~**Policy 3060/4060/6060 – DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW**~~..... page 11
4. ~~**Policy 6903 3065/4065/6065 – SEX DISCRIMINATION/TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX**~~ ..... page 21
5. ~~**Policy 3070/4070/6070 – TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS**~~ ..... page 24
6. ~~**Policy 3075/4075/6075 – TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS**~~ ..... page 35
7. ~~**Policy 3080/4080/6080 – BULLYING AND HARASSING BEHAVIOR PROHIBITED**~~ ..... page 52
8. ~~**Policy 3085/4085 – DISCRIMINATION AND HARASSMENT IN THE WORKPLACE**~~ ..... page 58

The following policies have updated cross references as a result of the policy additions/revisions/deletions above.

9. **Policy 2520/7513 – ETHICS AND THE PURCHASING FUNCTION** ..... page 61
10. **Policy 3036/4036/8336 – STAFF-STUDENT RELATIONS**..... page 64
11. **Policy 3038/4039/8338 – REPORTING INFORMATION TO ADMINISTRATORS AND EXTERNAL AGENCIES**..... page 68
12. **Policy 3051/4051 – PROHIBITION AGAINST RETALIATION** ..... page 71
13. **Policy 3900/4800 – GRIEVANCE PROCEDURE FOR EMPLOYEES** ..... page 73

- 14. **Policy 5414 – PARENT AND FAMILY ENGAGEMENT** ..... page 76
- 15. **Policy 6401 – STUDENT CODE OF CONDUCT** ..... page 83
- 16. **Policy 6902 – STUDENT GRIEVANCES**..... page 104
- 17. **Policy 7401 – COMMUNITY USE OF FACILITIES** ..... page 107

Below are other policies for addition/revision.

- 18. **Policy 1620 - EXPENSES FOR MEMBERS OF THE BOARD OF EDUCATION**..... page 112  
*An amendment allows the use of Google Maps for travel mileage determination.*
- 19. **Policy 3044/4044/7405 – USE OF UNMANNED AIRCRAFT (DRONES)**..... page 114  
*This new policy is provided for consideration to authorize the use of drones on school property and at school-sponsored events under certain conditions.*
- 20. **Policy 7550 – NAMING FACILITIES**..... page 119  
*An addition to this policy strengthens a community resident’s request for naming facilities to include at least 50 signatures.*

## 3011/4011/6890 NONDISCRIMINATION ON THE BASIS OF DISABILITIES

The Board of Education will not discriminate against a qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities.

The Superintendent or designee, as appropriate, is directed to develop appropriate procedures to implement this non-discrimination policy. The Superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
12. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;
24. publish the name, office address and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, and parents and other individuals who participate in the school system's program are aware of the coordinator(s);
35. make complaint procedures available as provided in Policy 3060/4060/6060, Discrimination and Harassment Prohibited by Federal Law, that which provide opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
46. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;
57. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
68. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Americans With Disabilities Act, [42 U.S.C. 12101 et seq.](#), [28 C.F.R. pt. 35](#); Rehabilitation Act of 1973, [29 U.S.C. 705 \(20\)](#), [794](#), [34 C.F.R. pt. 104](#)

Adopted: August 13, 2018

Revised: \_\_\_\_\_

## **3037/4037/6640/8337 PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING**

~~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, color, national origin, sex, disability, or age 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, harassment, or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.~~

### **A. Prohibited Behavior**

~~The Board expressly prohibits unlawful discrimination, harassment, and bullying 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.~~

~~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.~~

### **B. Definitions**

~~For purposes of this policy, the following definitions apply:~~

#### ~~1. Discrimination~~

~~Discrimination means any act or failure to act, whether intentional or unintentional, that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age, or disability.~~

#### ~~2. Harassment and Bullying~~

~~The Board prohibits all forms of unlawful harassment and bullying. For purposes of this policy, bullying or harassment is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:~~

a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment. For purposes of this policy, a negative performance evaluation does not, in itself, adversely alter the conditions of an employee's employment.

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or 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, lewd propositions, 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. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, as described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

### 3. Cyber-Bullying and Cyber-Harassment

The Board prohibits cyber-bullying and cyber-harassment. Cyber-bullying and cyber-harassment are any words, actions, or conduct that meet the definitions of bullying or harassment as described in this policy and are conveyed via e-mail, text message, Internet message boards, interactions on social media, or other electronic media.

#### 4. Sexual Harassment

The Board prohibits unlawful sexual harassment, which is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;
- b) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
- c) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (1) unreasonably interfering with an employee's work or performance or a student's educational performance, (2) limiting a student's ability to participate in or benefit from an educational program or environment, or (3) creating an abusive, intimidating, hostile, or offensive work or educational environment.

Sexually harassing conduct may include, but is not limited to, 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, or the display of sexually suggestive drawings, objects, pictures, or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

Sexual harassment does not include personal compliments welcomed by the recipient or social interactions or relations freely entered into by an employee or prospective employee or appropriate social interactions between students that do not violate the Student Code of Conduct. In the case of consensual relations between students, there may be reason to question the consensual nature of the conduct if one or both of the students are very young or there is a large age disparity between the students. It is possible for sexual harassment to occur at various levels: between peers or coworkers, between supervisors and subordinates, between employees and students, between students, or imposed by non-employees on employees and/or students. Sexual harassment may be committed by members of the same sex or by members of the opposite sex. Romantic or sexual advances toward students by

~~employees or romantic or sexual relationships between school system employees and students are never appropriate, whether they are consensual or otherwise outside the definition of sexual harassment. Such relationships are prohibited. Employees engaging in inappropriate relationships with students will be subject to disciplinary action, up to and including dismissal.~~

#### ~~5. Gender-Based Harassment~~

~~The Board prohibits unlawful gender-based harassment, which is one type of harassment. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping but not involving conduct of a sexual nature.~~

### ~~C. Reporting and Investigating Complaints of Discrimination, Harassment, or Bullying~~

~~Any person who believes that he or she has been discriminated against, harassed, or bullied 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, harassment, or bullying, should inform a school official designated to receive such complaints, as described in the regulations that accompany this policy. Employees are required to report violations of this policy.~~

### ~~D. Consequences~~

~~Any violation of this policy is serious and shall result in prompt and appropriate action. Students who violate this policy will be disciplined in accordance with applicable policies and procedures governing student conduct and discipline. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and/or remedial actions ranging from positive behavioral interventions up to, and including, expulsion.~~

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

~~Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate.~~

~~The actions taken in response to harassment or bullying behavior shall be reasonably calculated to end any harassment or bullying, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, harassment and bullying prevention programs, and/or other measures deemed appropriate by the Superintendent or designee.~~



~~Nothing in this policy precludes the school system from taking disciplinary action against a student or employee where the evidence does not establish discrimination, harassment, or bullying but the conduct violates other applicable disciplinary policies or codes of conduct.~~

### **~~E. Training and Programs~~**

~~The Board directs the Superintendent to establish training and other programs that are designed to prevent discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.~~

~~As funds are available, the Board will provide additional training for students, employees, and volunteers who have significant contact with students regarding discrimination, harassment, and bullying and will create programs to address these issues.~~

### **~~F. Notice~~**

~~The Superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in the regulations that accompany this policy. The Superintendent must ensure that students, employees, and parents or other responsible care givers are provided effective notice of this policy at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available at each school and worksite. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.~~

### **~~G. Coordinators~~**

~~The Superintendent shall appoint one or more individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The names, titles, and contact information for these individuals will be posted on the school system's website and otherwise made publicly available.~~

### **~~H. Records and Reporting~~**

~~The Superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment, or bullying. 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, harassment, and bullying.~~

~~The Superintendent shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.~~

### ~~I. Evaluation~~

~~The Superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the Board.~~

~~Legal Reference: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621et seq., 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101et seq., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000det seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000eet seq., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972 20 U.S.C. § 1681et seq., 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter (Bullying)*, U.S. Department of Education, Office for Civil Rights, (2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; *Dear Colleague Letter (Sexual Harassment)*, U.S. Department of Education, Office for Civil Rights (2006), available at <https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html>; *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; *Oneale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); Rehabilitation Act of 1973, 29 U.S.C. § 701et seq.; State Board of Education Policy SSCH-000~~

~~Adopted: June 11, 2007~~

~~Revised: May 11, 2009; November 9, 2009; February 8, 2010; January 12, 2015; December 14, 2015; July 17, 2017; August 13, 2018~~

## 3060/4060/6060 DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW

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 (over 40), 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. All forms 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 Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex.
- Discrimination and harassment in employment is addressed in Policy 3085/4085, 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 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3075/4075/6075, Title IX Sexual Harassment Grievance Process.
- Employee allegations of discrimination or harassment will be addressed using the process established in Policy 3085/4085, 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 3011/4011/6890, 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 or designee, as appropriate, 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 3011/4011/6890, 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 3085/4085, 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 BEHAVIOR**

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 to interfere 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 Executive Officer for 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 3085/4085, 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 8450, 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 Executive Officer for Human Resources or designee will be the investigator when the alleged perpetrator is an employee. The Superintendent or designee, as appropriate, may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the Executive Officer for Human Resources, 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, if appropriate, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or Policy 3011/4011/6890, 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, Policy 3011/4011/6890, 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 3080/4080/6080, 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. The Superintendent or designee 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 or designee also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses 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 Executive Officer for Human Resources 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 6902.4, Step III, of Policy 6902, Student and Parent Grievance Procedure. Employees may appeal the Superintendent's decision to the Board in accordance with subsection B, Step III, of Policy 3900/4800 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 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 3051/4051, Prohibition Against Retaliation.

**G. TRAINING AND PROGRAMS**

The Board directs the Superintendent or designee, as appropriate, 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 3070/4070/6070, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 3075/4075/6075, 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, on cell phones, and on 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 or designee 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: **Assistant Director for Student Support Services**  
Office Address: P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327  
Email Address: [hrpolicy@ncmcs.org](mailto:hrpolicy@ncmcs.org)  
Phone Number: (910) 947-2976
- b. The ADA Coordinator is: **Executive Officer for Human Resources**  
Office Address: P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327  
Email Address: [hrpolicy@ncmcs.org](mailto:hrpolicy@ncmcs.org)  
Phone Number: (910) 947-2976
- c. The Age Discrimination Coordinator is: **Executive Officer for Human Resources**  
Office Address: P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327  
Email Address: [hrpolicy@ncmcs.org](mailto:hrpolicy@ncmcs.org)  
Phone Number: (910) 947-2976
- d. The Coordinator for Other Non-discrimination Laws is: **Executive Officer for Human Resources**  
Office Address: P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327  
Email Address: [hrpolicy@ncmcs.org](mailto:hrpolicy@ncmcs.org)  
Phone Number: (910) 947-2976

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](mailto:OCR.DC@ed.gov)

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights

(1994), available at <https://www2.ed.gov/about/offices/list/ocr/docs/race394.html>; *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter (Harassment and Bullying)*, U.S. Department of Education, Office for Civil Rights (2010), available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>; G.S. 115C-407.15 through -407.18; 126-16; State Board of Education Policy SSCH-000; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at <https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook>

Adopted: \_\_\_\_\_

**6903 3065/4065/6065 TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX DISCRIMINATION/TITLE IX**

~~It is the policy of the Moore County Schools not to discriminate against anyone on the basis of sex in its educational programs, activities, or employment policies, in accordance with Title IX of the Education Amendments of 1972 (see Policy 3037/4037/6640/8337). Inquiries regarding compliance with Title IX may be directed to:~~

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.

~~Title IX Coordinator  
Moore County Schools  
Post Office Box 1180  
Hwy 15-501-S  
Carthage, NC 28327~~

The Title IX Coordinator is: **Executive Officer for Human Resources**  
Office Address: **P.O. Box 1180, 5277 Highway 15-501 South, Carthage, NC 28327**  
Email Address: **hrpolicy@ncmcs.org**  
Phone Number: **(910) 947-2976**

~~or to:~~

~~Regional Civil Rights Director  
U.S. Department of Education  
Office for Civil Rights, Region IV  
101 Marietta Tower, 27th Floor  
Post Office Box 1705  
Atlanta, GA 30301~~

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 6902, Student Grievances. Employees and applicants may use the process provided in Policy 3900/4800, 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 Policy 3070/4070/6070, 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 Policy 3075/4075/6075, 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 Policy 3070/4070/6070 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 6902 and 3900/4800. Acts of retaliation may also be subject to Policy 3051/4051, Prohibition Against Retaliation.

**D. NOTICE OF THE BOARD’S POLICY OF NONDISCRIMINATION BASED ON SEX**

The Superintendent or designee 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 or designee 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.

Legal Reference: Title IX of the Education Amendments of 1972, ~~as amended~~ 20 U.S.C. 1681 et seq.; 34 C.F.R. Part 106

Adopted: July 29, 1991

Revised: May 12, 2008; November 5, 2018; \_\_\_\_\_

## **3070/4070/6070 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 Policy 3065/4065/6065, 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 Policy 3075/4075/6075, 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.

### **J. 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 or designee, as appropriate.

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:

- Policy 3080/4080/6080, 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 3085/4085, Discrimination and Harassment in the Workplace, prohibiting harassment in the workplace; or
- Policy 3036/4036/8336, 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.

## **K. 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 Policy 3075/4075/6075, 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 Policy 3075/4075/6075.

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 Policy 3065/4065/6065, 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.

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.

## **L. REPORTING SEXUAL HARASSMENT**

### **4. 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.

### **5. 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 3036/4036/8336, Student-Staff Relations, and 6730,

Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

6. 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.

7. 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.

8. 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 3065/4065/6065, 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.

**M. SCHOOL OFFICIALS' 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 unless, in the exercise of good judgment, the coordinator determines that parental involvement is not necessary based on the nature of the offense, the student's age, the wishes or the student and other relevant circumstances. 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 Executive Officer for Human Resources 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 Policy 3075/4075/6075, 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 Policy 3075/4075/6075;
- 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 Policy 3075/4075/6075, 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 Policy 3075/4075/6075. 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 5312, 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, as appropriate, 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 Policy 3075/4075/6075, 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.

**N. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS**

The grievance process for formal complaints of sexual harassment under this policy is set out in Policy 3075/4075/6075, 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.

**O. 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:

- i. any actions, including any supportive measures, taken in response to the report or

formal complaint;

- ii. that school officials have taken measures that are designed to restore or preserve equal access to the school system's education program and activities;
- iii. why school officials believe their response to the report or complaint was not deliberately indifferent; and
- iv. 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 or designee, as appropriate, 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.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); G.S. 115C-335.5; *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; *Dear Colleague Letter* (Title IX Coordinator) and *Title IX Resource Guide*, U.S. Department of Education, Office for Civil Rights (2015), both available at <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001), available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

Adopted: \_\_\_\_\_

## **3075/4075/6075 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 Policy 3070/4070/6070, 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 or designee, as appropriate, 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.

### **B. DEFINITIONS**

All definitions in Policy 3070/4070/6070, 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.

C. 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 Policy 3070/4070/6070, 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 Policy 3070/4070/6070, 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.

**D. 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.

**E. 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 that students and employees are prohibited 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.

- f. 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 or designee, as appropriate, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

- 1) If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.
- 2) If the respondent is an employee or applicant for employment, the investigator is the Executive Officer for Human Resources or designee.
- 3) 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.

4) Notwithstanding the above designations, (1) if the respondent is the Executive Officer for Human Resources, 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.

- g. The investigator may request assistance from the Title IX coordinator to conduct the investigation.
- h. 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.
- i. 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.

**F. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION**

The Superintendent or designee, as appropriate, (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 6515, Due Process, 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:

- iv. identification of the allegations potentially constituting sexual harassment under board policy;
- v. 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;
- vi. findings of fact supporting the determination;

- vii. 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;
- viii. 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;
- ix. the procedures and permissible bases for the complainant and respondent to appeal; and
- x. 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.

**G. 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 1316, 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 6515, Due Process; Policy 3420, Teacher Dismissal, Demotion and Nonrenewal; or Policy 4022, Classified Personnel: Suspension 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.

### **H. 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 7403, 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.

**I. 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.

## **J. 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 3051/4051, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with Policy 3065/4065/6065, Title IX Nondiscrimination on the Basis of Sex.

## **K. RECORDS**

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

- v. each sexual harassment investigation including:
  - 1. any determination regarding responsibility;
  - 2. any audio or audiovisual recording or transcript from any live hearing;
  - 3. any disciplinary sanctions imposed on the respondent; and
  - 4. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;
- vi. any appeal and the result therefrom;
- vii. any informal resolution and the result therefrom; and
- viii. 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.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq., 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at <https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf>; *Dear Colleague Letter (Title IX Coordinator) and Title IX Resource Guide*, U.S. Department of Education, Office for Civil Rights (2015), both available at <https://www2.ed.gov/policy/rights/guid/ocr/title-ix-coordinators.html>; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001), available at <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

Adopted: \_\_\_\_\_

## **3080/4080/6080 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, Policy 3060/4060/6060 (prohibiting harassment based on race, color, national origin, disability, or religion)
- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, Policy 3070/4070/6070 (prohibiting sexual harassment)
- Discrimination and Harassment in the Workplace, Policy 3085/4085 (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, as appropriate.

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 Policy 3060/4060/6060, 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 other relevant board policies. If the principal is the alleged perpetrator, the Superintendent or designee, as appropriate, 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 or designee 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 7403, 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.

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

Adopted: \_\_\_\_\_

## **3085/4085 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, 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, 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 Policy 3070/4070/6070, 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, 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 3051/4051, Prohibition Against Retaliation.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; G.S. 143-422.2

Adopted \_\_\_\_\_:

## Policy Cross Reference Numbering Revisions

### 2520/7513 ETHICS AND THE PURCHASING FUNCTION

The Board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The Board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in Policies 3240/4240/8263, Employee Conflict of Interest, and 2510, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.
2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See [G.S. 14-234](#) and policy 3240/4240/8263, Employee Conflict of Interest.

Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See [2 C.F.R. 200.318](#) and policy 2510, Federal Grant Administration.

A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in

indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.

5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.

6. Employees shall notify the Superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.

7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law. Multiple permitted items from a single contractor may not exceed an aggregate value of \$100 in a twelve-month period.

Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

9. Employees shall not divulge confidential information to any unauthorized person. Confidential information includes, but is not limited to (1) the school system's cost estimate for any public contract, prior to bidding or completion of other competitive purchasing processes; and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, until the bids are opened in public and recorded in the Board minutes.

10. An employee shall not misuse information in violation of [G.S. 14-234.1](#). Specifically, an employee shall not, in contemplation of the employee's own official action or that of the Board or others acting on behalf of the school system, or in reliance on information known to the employee in his or her official capacity and not made public, to:

- a. acquire a financial interest in any property, transaction, or enterprise;

b. gain a financial benefit that may be affected by the information or contemplated action; or

c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

The Superintendent or designee shall ensure that all affected personnel are aware of Board policy requirements and applicable laws. Any individual aware of any violation of this policy, Policy 1420, Board Member Conflict of Interest, Policy 3240/4240/8263, Employee Conflict of Interest, the conflict of interest provisions of Policy 2510, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with Policy [3037/4037/6640/8837-3051/4051](#), Prohibition Against Retaliation. Employees who violate this policy, policy 1420, Policy 3240/4240/8263, or the conflict of interest provisions of policy 2510, will be subject to disciplinary action.

Legal References: [2 C.F.R. 200.318\(c\)](#); [47 C.F.R. 54.503](#); FCC Sixth Report and Order 10-175; [G.S. 14-234, -234.1; 133-32, -33](#); Attorney General Opinion requested by L.W. Lamar regarding [G.S. 133-32](#), the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Adopted: August 5, 2019

Revised: \_\_\_\_\_

## **3036/4036/8336 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 and volunteers, but do not include student employees or student volunteers.

### **A. Romantic Relationships and Sexual Contact Prohibited**

All volunteers and employees, including student teachers, substitutes and contractors hired to perform instructional or professional services 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, regardless of whether the involvement is consensual and regardless of the nature of the relationship, whether face-to-face or via electronic means such as telephone, texting or social media. 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 3252/4252/5452 - Employee Use of Social [Networking Sites Media](#), 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 3252/4252/5452 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 3252/4252/5452 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), 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 ~~6903 – Sex Discrimination/Title IX 3065/4065/6065~~ - [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 3038/4039/8338 – Reporting Information to Administrators and External Agencies.

#### 4. Report to State Superintendent of Public Instruction

Any administrator, including the Superintendent, chief/executive officer or principal, who knows or has reason to believe that a licensed employee has engaged in conduct which 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 child or causing a child to commit a sexual act, regardless of consent and the age of the child. 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 6730 –Child Abuse and Related Threats to Child Safety.

Legal Reference: Elementary and Secondary Education Act, [20 U.S.C. 7926](#); Title IX of the Education Amendments of 1972, [20 U.S.C. 1681 et seq.](#), [34 C.F.R. pt. 106](#); [G.S. 14-27.32](#), -[202.4](#); [115C-47\(18\)](#), [16 NCAC 6C.0601](#), [.0602](#); State Board of Education Policies [EVAL-014](#), [LICN-007](#), [NCAC-039](#)

Adopted: January 31, 1994

Revised: June 11, 2007; November 17, 2008; March 12, 2012; January 17, 2017; July 17, 2017; January 16, 2018; February 10, 2020; July 13, 2020; \_\_\_\_\_

## **3038/4039/8338 REPORTING INFORMATION TO ADMINISTRATORS AND EXTERNAL AGENCIES**

It is the policy of the Moore County Board of Education in serious matters relating to the safety and welfare of the students and employees that certain actions and information be reported to external agencies as required by law or regulation.

### **Administrators**

All personnel, including, but not limited to, substitute teachers, student teachers, and volunteers, must immediately report to the principal or designee any act of violence in school, on school property, or at school-sponsored events. This includes, but is not limited to, all acts reportable by the principal to law enforcement under this policy.

The principal or designee shall notify the Superintendent or designee in writing or by e-mail regarding any report made to law enforcement involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law on school property. The Superintendent shall provide the information to the Board of Education.

Any employee who has reason to believe that another employee is involved in an inappropriate relationship with a student shall report this information to the Executive Officer for Human Resources as provided in Policy 3036/4036/8336, Prohibited Relationships with Students. Any employee who becomes aware of or receives a report of possible discrimination, harassment or bullying of a student or employee shall immediately report this information using the procedure provided in Policy [3037/4037/6640/8337 3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law or the applicable policies referenced therein.](#)

### **Department of Public Instruction**

Any administrator, including the Superintendent, Chief Officer for Academics and Student Support Services, Executive Officer for Academics and Student Support Services, Executive Officer for Human Resources, or Principal, who knows or has substantial reason to believe that a certified employee has engaged in illegal or immoral behavior amounting to physical or sexual abuse of a child, shall report the information to the Superintendent of Public Instruction. Failure to report such information constitutes grounds for certificate revocation or suspension.

For purposes of this requirement, “physical abuse” means the infliction of serious physical injury other than by accidental means or other than self-defense. The term “sexual abuse” means the commission of any sexual act upon a student or causing a student to commit a sexual act regardless of the age of the student and regardless of the presence or absence of consent.

Principals shall provide annual reports to the State Board of Education regarding criminal acts occurring on campus through the State-approved discipline reporting system.

### **State Board of Education**

The Superintendent or designee must notify the State Board of Education if a teacher's criminal history is relevant to the teacher's resignation, regardless of whether the teacher gave adequate advance notice of resignation. Additionally, upon inquiry from a North Carolina local Board of Education, charter school or regional school as to the reason for a teacher's resignation, the Superintendent or designee shall indicate if the teacher's criminal history was relevant to the resignation.

### **Law Enforcement**

Any principal who has personal knowledge or actual notice that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm or other weapon in violation of the law, possession of a controlled substance in violation of the law, death by other than natural causes, robbery with or without a dangerous weapon, or assault on a school official, employee or volunteer not resulting in serious injury on school property shall immediately report the act to the appropriate law enforcement agency. Criminal offenses other than those required to be reported by law may be reported to law enforcement at the principal's discretion. "Immediately" means without undue delay and as soon as possible after the act has occurred.

For purposes of this requirement, "school property" shall include any school building, bus, public school campus, grounds, recreation area, or athletic field in the charge of the principal. Designated crimes that occur on school property shall be reported without regard to whether they occur before, during, or after normal operating hours.

The report must be made without regard to the age of the victim or the perpetrator. Student offenders and victims should be identified by age, grade, sex, race, and educational status (i.e., regular or exceptional education).

The principal shall designate persons who shall report the acts to law enforcement in his/her absence.

If the principal reports a crime committed by a child with a disability, the principal must ensure that copies of the child's special education and disciplinary records are transmitted to the appropriate authorities for consideration, to the extent that transmission is permitted by the Family Educational Rights and Privacy Act (FERPA). Where necessary to comply with FERPA, the principal shall obtain the written consent of the parent or student (if the student is at least eighteen (18) years of age) before transmitting the records. If consent is refused, the records will not be transmitted unless pursuant to a subpoena, court order or as



## **3051/4051 PROHIBITION AGAINST RETALIATION**

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The Board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the Board of Education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with Policy 3900/4800, Grievance Procedure for Employees; Policy ~~3037/4037/6640/8337, Discrimination, Harassment, and Bullying~~ 3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law or the applicable policies referenced therein.

. Any complaint alleging a violation by the Superintendent or the Board should be filed with the Board Chair for investigation. The Board Chair will report the complaint to the Board, and the Board will authorize a prompt and thorough investigation or other action as necessary.

The Board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents an unlawful activity, policy or practice. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The Board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy or practice to the attention of school officials or the Board and provides school officials or the Board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the Board may specify reasonable steps to protect the complaining employee from retaliation.

This policy shall also apply to independent contractors providing services to the Moore County Board of Education.

Legal References: Sarbanes-Oxley Act, [18 U.S.C. 1513\(e\)](#); [G.S. 115C-335.5](#); [126-5\(c5\)](#), -84, -85, -86, -87, -88

Adopted: September 25, 2006

Revised: April 10, 2017: \_\_\_\_\_



## 3900/4800 GRIEVANCE PROCEDURE FOR EMPLOYEES

The Board of Education encourages employees and their supervisors to work together to informally resolve issues that may arise. Should informal processes fail to satisfy the employee, he or she may invoke the grievance process as provided in section C below.

### A. General Provisions

1. A grievance is a written complaint by an employee(s) about a final administrative decision that involves: a) an alleged violation of specified state or federal law or regulation, State Board of Education policy, State rule, or School Board policy or b) the terms or conditions of employment or the employment status of the school employee.

A grievance does not include any matter for which the method of review is prescribed by law, regulation, or policy, and does not include any matter in which the Board of Education lacks authority to act. In addition, administrative recommendations and employee performance evaluations are not final administrative decisions and thus are not grievable.

2. Any employee who believes he/she has been aggrieved by a decision not covered by the definition of grievance in this policy has the right to appeal to the Superintendent/designee by following Steps 1 and 2 of this policy. Following this review, the employee may petition the Board for a hearing, which the Board may grant in its discretion, as outlined in Section 7 of this policy.

3. In the case of alleged discrimination, harassment or bullying, Policy [3037/4037/6640/8337 3060/4060/6060](#) or the applicable policies referenced [therein](#). apply.

4. All proceedings under this policy shall be confidential, except as required by law and this policy.

5. The Board specifically prohibits retaliation against any individual who files a grievance or who participates in an investigation or proceeding initiated under this policy.

6. The grievance and any responses shall be provided in writing.

7. As used in this policy, “days” include work days and exclude Saturdays, Sundays, and holidays. In counting days, the first day shall be the first full working day following the act after which the designated period of time begins to run.

8. A grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn it cannot be re-opened. If at any time during the grievance process the

school system grants the grievant the relief requested, the grievance shall be terminated at that time.

9. If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further rights of appeal and the grievance will be considered resolved.

## B. Procedure

### Step I — Invoking the Grievance Procedure

An employee wishing to invoke the grievance procedure shall provide a formal written grievance to his or her supervisor or the supervisor's designee, who shall arrange for a grievance file number to be assigned by the Personnel Office. The written grievance shall (1) name the employee(s) against whom the grievance is filed, (2) set forth the facts constituting the grievance, (3) name any policy, rule or law believed to have been violated, and (4) specify the relief being sought. The following additional guidelines shall be observed in Step I.

1. No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance.
2. The supervisor or designee shall grant the conference within five (5) school days following receipt of the request. The supervisor shall state in writing his/her position on the grievance to the employee within five (5) working days following the conference.

In the event the immediate supervisor or his designee determines at the outset that a Step I review is inappropriate, the grievance procedure may originate at Step II.

### Step II — Appeal to the Superintendent

If the grievance is not resolved at Step I the employee may appeal the supervisor's decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the supervisor's written response in Step I. The Superintendent or his/her designee shall review the grievance within five (5) working days following receipt of the appeal. If the Superintendent or his/her designee determines that additional time is needed to investigate the grievance, the Superintendent or his/her designee may take fifteen (15) additional working days (or longer if by mutual agreement) to complete the investigation. A written response shall be made to the employee from the Superintendent or his/her designee within ten (10) school days following the completion of the review.

### Step III — Appeal to the Board of Education

If the grievance is not resolved at Step II, it may be appealed in writing to the Board of Education. This written appeal must be made within ten (10) school days following the written response from the Superintendent at Step II. A panel appointed by the Chair and composed of not fewer than two Board members shall hear such grievances in closed session. The hearing shall be limited to the written record and oral presentations by the grievant and administration, unless the Board determines that additional information is necessary. Both parties are entitled to have an attorney or other representative participate in the hearing on their behalf. The Board panel may affirm, reverse, or modify the decision of the Superintendent. In reaching its decision, the Board panel shall determine whether there has been a material violation of Board policy or state or federal law or regulation. The Board panel shall offer a final written decision within thirty (30) days.

### C. Discretionary Appeals

A grievant who is not entitled to appeal to the Board may seek discretionary review by submitting a written appeal to the Superintendent's office within ten (10) school days following the written response from the Superintendent at Step II. The Board Chair and Vice-Chair shall review the request and notify the grievant within ten (10) school days from receipt of the request whether the Board will grant a hearing. If the Chair and Vice-Chair do not agree on whether to grant the request, a Board hearing will be allowed. The procedures outlined in Step III of section B above will be followed in any hearing granted under this section.

Legal Reference: [G.S. 115C-45\(c\), -47](#)

Adopted: July 30, 1990

Revised: February 9, 2009; November 5, 2018; \_\_\_\_\_

## **5414 PARENT AND FAMILY ENGAGEMENT**

The Moore County Board of Education recognizes the critical role of parents in the education of their children and in the schools. The Board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system and his or her own child's progress. The Board also encourages parents to participate in activities designed by the schools to involve them, such as parent conferences, in order to encourage effective communication.

The Board directs each principal or designee to develop a parental involvement plan as a part of the School Improvement Plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;
2. promotion of responsible parenting;
3. involving parents/guardians in student learning;
4. promotion of volunteering;
5. involving parents/guardians in school decisions that affect children and families;
6. parental training;
7. community collaboration; and
8. promotion of student health awareness.

This policy applies to the parents, legal guardians and legal custodians of students who are under 18 years old and are not married.

### **A. Parent Communication and Conferences**

The Board encourages school personnel to have regular contact with parents by school personnel for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communications with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children in accordance with Policy 6225 - Personal Education Plans for At-Risk Students.

The principal or designee shall provide the parent of each student in kindergarten, first or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include the following: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade; and (3) instructional support activities for use at home.

The Board encourages the Superintendent to work with local business leaders, including the local Chamber of Commerce, to encourage employers to adopt as part of their stated personnel policies time for employees who are parents or guardians to attend conferences with their child's teachers.

## **B. Parental Notification**

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (Policy 5417) and the school-wide parent involvement plan.

In addition, annually, every building principal or designee shall effectively notify parents of the following:

1. parental rights related to student records (see Policy 6300 – Student Records);
2. parental rights related to student surveys (see Policy 6830 – Surveys and Interviews with Students for Research Purposes);
3. the approximate dates of any non-emergency, invasive physical examination that is (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration and (c) not necessary to protect the immediate health and safety of students;
4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see Policy 8810 – Pest Management);
5. student behavior policies, the Code of Student Conduct and school standards and rules (see policies in the 6000 series);
6. the permissible use of seclusion and restraint in the schools (see Policy 6500 and its accompanying regulations, 6500-R – Employee Use of Reasonable Force and Seclusion and Restraint);
7. Policy ~~6640/3037/4037/8337 – Prohibition Against Discrimination/Harassment/Bullying~~ 3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law and the applicable policies referenced therein.

;

8. Policy 6902 - Student Grievances;

9. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or the local Board;

10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see Policy 5520 – Evaluation of Student Progress, and Policy 5521 – Class Rankings);

11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;

12. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;

13. a report containing information about the school system and each school, including, but not limited to the following:

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;

14. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;
15. supportive services available to students, including guidance, counseling and health services (see Policy 6330 – Counseling Program);
16. information about meningococcal meningitis and influenza, including the causes, symptoms and vaccines, how the diseases are spread and places where parents and guardians may obtain additional information and vaccinations for their children;
17. for students in grades five through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;
18. how to reach school officials in emergency situations during non-school hours;
19. information about and an application form for free and reduced price meals and/or free milk;
20. information about the school breakfast program;
21. information about the availability and location of free summer food service program meals for students when school is not in session;
22. for parents of children with disabilities, procedural safeguards (see Policy 3011/4011/6890 – Nondiscrimination on the Basis of Disabilities);
23. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities;
24. education rights of homeless students (see Policy 6023 – Homeless Children);
25. the content and implementation of the local school wellness policy (see Policy 5060 – Student Wellness);
26. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child’s school as stated in [G.S. 95-28.3](#)(see Policy 5422 – School Volunteers);
27. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age (see Policy 3037/4037/6640/8337 – Prohibition

Against Discrimination, Harassment and Bullying, and Policy 3011/4011/6890 – Nondiscrimination on the Basis of Disabilities);

28. that the school system provides equal access to its facilities, programs and activities to the Boy Scouts and other designated youth groups (see Policy [3037/4037/6640/8337—Prohibition Against Discrimination, Harassment and Bullying](#) [3060/4060/6060 – Discrimination and Harassment Prohibited by Federal Law](#)); and

29. the availability of and the process for requesting a waiver or reduction of student fees (see Policy 6805 – Student Fees).

#### **D. Opportunities to Withhold Consent**

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following instances:

1. release of student directory information about his or her child for school purposes or to outside organizations (see Policy 6300 – Student Records).
2. release of their child’s name, address and telephone listing to military recruiters or institutions of higher education (see Policy 6300 – Student Records).
3. their child’s participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS, (b) avoidance of out-of-wedlock pregnancy, or (c) reproductive health and safety education as provided in Policy 5050/6750 – School Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office.
4. their child’s participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for (a) short-duration academic, career, personal or social guidance and counseling and crisis intervention that is needed to maintain order, discipline or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student’s specific concerns or needs; or (c) counseling if child abuse or neglect is suspected (see Policy 6330 – Counseling Program, and Policy 6730 – Child Abuse and Related Threats to Child Safety).
5. their child’s participation in non-Department of Education funded surveys concerning protected topics (see Policy 6830 – Surveys and Interviews of Students for Research Purposes).



6. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students.
7. the collection, disclosure or use of their child's personal information for marketing purposes (see Policy 6830 – Surveys and Interviews of Students for Research Purposes).
8. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program.

Any parent or legal guardian wishing to withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After their annual notification, the school is not required to provide further notice to the parent as to the manner in which student directory information is used, the curriculum is provided, or guidance programs are made available.

#### **E. Parental Permission Required**

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school district (see Policy 3260/4260 – Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see Policy 6300 – Student Records);
3. off campus trips;
4. student's participation in high impact or high risk sports or extracurricular activities, such as football or mountain climbing (see Policy 4220 – Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see Policy 6220 – Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. student's participation in programs or services providing information about where to obtain contraceptives or abortion referral services;

9. student’s participation in surveys funded by the Department of Education that are conducted concerning protected topics (see Policy 6830 – Surveys and Interviews with Students for Research Purposes);

10. disclosure of a student’s free and reduced price lunch eligibility information or eligibility status; and

11. student’s independent access to the Internet, as described in Policy 3253/4253/5451 – Acceptable Use of Technology and Electronic Media.

Legal Reference: Elementary and Secondary Education Act, as amended, [20 U.S.C. 6301](#) *et seq.*, [34 C.F.R. pt. 200](#); Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#), [34 C.F.R. pt. 99](#); Protection of Pupil Rights Amendment, [20 U.S.C. 1232h](#), [34 C.F.R. pt. 98](#); Individuals with Disabilities Education Act, [20 USC 1400](#), *et seq.*; Asbestos Hazard Emergency Response Act, [15 U.S.C. 2641](#), *et seq.*; McKinney-Vento Homeless Assistance Act, [42 U.S.C. 11431](#), *et seq.*, [42 U.S.C. 1758](#), [7 C.F.R. pt. 245](#); [42 U.S.C. 1758b](#); National School Lunch Program, [42 U.S.C. 1751](#), *et seq.*; [7 C.F.R. 210.12](#); Boy Scouts of America Equal Access Act, [20 U.S.C. 7905](#), [34 C.F.R. 108.9](#); [20 U.S.C. 7908](#); [G.S. 90-21.1](#), [95-28.3](#); [115C-47\(47\)](#), [-47\(51\)](#), [-47\(54\)](#); [-47\(58\)](#); [-81.25](#), [-81.30](#), [-81.36](#), [-105.41](#); [-109.1](#), [-174.26\(d\)](#), [-307\(c\)](#), [-375.4](#); [-390.2](#), [-391.1](#), [-407.16](#), State Board of Education Policies [KNEC-002](#), [PRNT-000](#). [TEST-001](#)

Adopted: May 19, 2003

Revised: July 31, 2006; June 11, 2007; June 9, 2008; January 12, 2009; May 11, 2009; February 8, 2010; May 10, 2010; April 11, 2011; October 21, 2013; February 10, 2014; January 12, 2015; July 17, 2017; January 16, 2018; January 14, 2019; July 13, 2020; \_\_\_\_\_

## **6401 STUDENT CODE OF CONDUCT**

### **A. Philosophy and Goals**

A safe, orderly, and welcoming school environment is essential for student learning. To that end, this Code of Student Conduct is intended to (1) create clear standards and expectations for student behavior; (2) promote integrity and self-discipline among students; (3) encourage the use of behavioral supports and interventions as alternatives to exclusionary discipline; and (4) provide clear guidance to teachers and administrators as to how, when, and to what extent students may be disciplined for violating conduct rules.

Consistent with these goals, the Board endorses and adopts the following general principles relating to four key domains of student behavior and conduct.

#### Principle 1: Safety and Orderliness

Schools that maintain safe and orderly learning environments address internal threats to students' physical and emotional safety and promote respect and tolerance.

#### Principle 2: Climate and Prevention

Schools that foster positive school climates can help to engage all students in learning by preventing problem behaviors and intervening effectively to support struggling and at-risk students.

#### Principle 3: Expectations and Consequences

Schools that have discipline policies or codes of conduct with clear, appropriate, and consistently applied expectations and consequences will help students improve behavior, increase engagement, and boost achievement.

#### Principle 4: Equity and Continuous Improvement

Schools that build staff capacity and continuously evaluate the school's discipline policies and practices are more likely to ensure fairness and equity and promote achievement for all students.

### **B. Role of Staff, Students, Parents, and Community Partners in Promoting Positive School Climates**

Positive school climates require ongoing support and collaboration among staff, students, parents or legal custodians (hereinafter referred to as "parents") and the community at large. In particular:

- Students have the right to attend school in a safe and orderly environment and to have conduct rules applied fairly to them without regard to race, gender, religion, disability, or

other defining characteristics. They also bear the responsibility to understand conduct rules, behave appropriately, and be individually accountable for their own actions and decisions.

- Parents have the right to be informed of disciplinary actions taken with their children. They are encouraged to support their children in engaging in positive behaviors at school and to partner with teachers and administrators on effective strategies to correct misbehaviors within the parameters of this Code and other applicable policies.
- Teachers and administrators have statutory duties to maintain safety and order at school and are expected to reinforce and implement clear and consistent behavioral expectations consistent with this Code and other applicable policies. They are also expected to teach and encourage good citizenship and to communicate with parents regarding any serious or persistent behavioral issues. As an integral part of its educational mission, each school should identify school-wide behavioral expectations, make them known to students, and link behavioral and social-emotional practices to core instruction.
- The entire community has a vested interest in safe and orderly schools. Community organizations and individual members of the community are encouraged to offer support and assistance to teachers and administrators in the promotion of positive student behaviors at school and to provide feedback to school and central office administrators on ways to improve school climates and help ensure fair and equitable discipline practices.

These rights and obligations are related but independent. Thus, for example, student failure to abide by specific behavioral rules do not excuse the failure of school staff to take reasonable measures to nurture and support a generally positive and supportive school climate. Similarly, shortcomings in administrator or parent efforts to support and encourage positive student behaviors do not excuse student violations of specific behavioral rules. To create and maintain the safe, orderly, and positive climate that the entire school community deserves, all stakeholders must work together while remaining individually accountable for their own actions and should strive for continuous improvement over matters within their respective control.

### **C. Applicability of Code**

All students shall comply with this Code as well as all state and federal laws, school board policies, and local school rules governing student behavior and conduct. This Code applies to any student who is on school property (including school transportation), who is in attendance at school or at any school-sponsored activity, or whose conduct at any time, place, or cyberspace, on or off campus, has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

### **D. Corporal Punishment Prohibited**

The Board strictly prohibits all forms of corporal punishment. For purposes of this policy, corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling, and slapping. No administrator, teacher, substitute teacher, student teacher, bus driver, or other employee, contractor, or volunteer may use corporal punishment to discipline any student. Violations of

this prohibition may result in disciplinary action, up to and including dismissal. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment ([G.S. 115C-390.3; -391.1](#)).

## **E. Interventions, Supports, and Responses to Behavioral Concerns**

### **Multi-Tiered System of Support**

Teachers and principals will utilize a Multi-Tiered System of Support (MTSS) for behavioral interventions and responses to promote positive changes in student behavior. By utilizing MTSS, school staff engage in data-based problem solving using academic, behavioral, and social-emotional data to identify reasons why particular students may be experiencing significant academic and/or behavioral challenges. Designated central office staff will provide ongoing training and support to school-based staff in the development, implementation, and monitoring of district-approved MTSS protocols.

### **Notification to Parents**

When a significant behavioral intervention (beyond mere redirection or warning) is imposed, the school will attempt to notify the parent in a reasonably prompt manner. The school will also attempt to notify the parent of any in-school disciplinary consequence that results in removal from normal classroom or school activities. This includes lunch or after-school detention, in-school suspension, or suspension from school-sponsored extracurricular activities. For out of school suspensions, the administration will provide formal written notice to parents or legal custodians as required by Policy 6515, Due Process.

After-school detention may preclude a student from using bus transportation or create other transportation difficulties. If a school principal deems it appropriate to require a student to stay after school for detention for a disciplinary reason, the principal may authorize such detention only if the parent has received at least one business day's notice.

### **Range of Interventions and Consequences**

When student behaviors interfere with a safe, orderly, and respectful school environment where instruction and learning can flourish, schools should consider (consistent with MTSS protocols) a range of potential interventions and consequences to address the problematic behavior and to reinforce positive behaviors. When feasible, taking into account the specific facts and circumstances of each individual case, schools are encouraged to implement *non-disciplinary* behavioral interventions. Non-disciplinary interventions are responses to problematic behaviors that attempt to support students in learning to make more positive choices, minimize exclusion from instruction and other normal school activities, and do not result in a loss of privileges. Examples of non-disciplinary interventions include, but are not limited to: (1) student-parent-teacher or student-parent-administrator conferences; (2) behavior contracts; (3) reward systems; (4) oral or written warnings; (5) referrals to school counselors; (6) referrals to programs or agencies that support at-risk students; (7) peer mediation; and (8) restorative justice practices.

Teachers and administrators are encouraged to solicit the assistance of designated school-based or central office staff in developing appropriate responses and interventions in specific cases.

Only when non-disciplinary interventions are, in the discretion of responsible school officials, deemed unlikely to be sufficiently effective to promote the goals outlined in this policy should *disciplinary consequences* be considered. Disciplinary consequences may be “exclusionary” or “non-exclusionary.” *Exclusionary* discipline consequences are responses to problematic behaviors that expressly exclude a student from instructional time for more than a brief interval (as may be needed, for example, to question a student during a disciplinary investigation). Examples include in-school suspension, out-of-school suspension, and expulsion. *Non-exclusionary* discipline consequences are responses that result in a loss of privileges or imposition of other consequences that do not include exclusion from instructional time. Examples may include, when appropriate (1) lunch or after-school detention; (2) school or community service; or (3) restitution.

Recognizing that exclusionary discipline can exacerbate behavioral problems, diminish academic achievement, and hasten school drop outs, the Board urges schools to use non-exclusionary measures when feasible and to reserve exclusionary discipline for more serious misconduct, such as behavior that threatens the safety of students, staff, or visitors or threatens to substantially disrupt the educational environment.

## **F. Special Requirements for Out-of-School Suspension and Expulsion**

Out-of-school suspension and expulsion are allowed only if specifically authorized by this Code and Policy 6515, Due Process. Except to the extent that North Carolina law requires school administrators to recommend a 365-day suspension for any student who violates Rule IV-1 Firearm/ Destructive Device, this Code authorizes, but does not require, the use of out-of-school suspensions.

In addition to the notice and due process requirements set out in the “Due Process” policy, administrators must adhere to the following requirements before imposing or recommending any out-of-school suspension or expulsion:

- When deciding whether to recommend a long-term suspension (suspension of more than ten [10] days) or determining the specific length of any short-term suspension or long-term suspension recommendation, principals may consider any relevant “aggravating” or “mitigating” factors of which they are aware. “Aggravating” factors are factors that tend to increase the seriousness of a disciplinary infraction. “Mitigating” factors are factors that tend to decrease the seriousness of a disciplinary infraction. Aggravating and mitigating factors are “relevant” when, in the judgment of responsible school officials, they have a bearing on the student’s level of responsibility for the behaviors in question. When both aggravating and mitigating factors are present, principals should exercise their discretion in weighing and balancing them.
- Suspensions of more than ten (10) days may be imposed only if they have been approved by the Superintendent or designee and the student has been offered the opportunity for a hearing under Policy 6515, Due Process. Expulsion from school based on a

recommendation of both the principal and the Superintendent must be approved by the Board.

- Nothing in this policy shall be interpreted to conflict with state and federal laws governing students with disabilities.
- Students in grades K-5 shall not be subject to long-term suspension except as required by law or in cases involving serious injury to students or staff or serious threat to safety or welfare of members of the school community.

## **G. Levels of Code**

The Student Code of Conduct rules are leveled according to the seriousness of the behaviors and range of potential disciplinary consequences.

**Level I:** Level I rule violations can generally be addressed with non-disciplinary interventions or non-exclusionary discipline consequences. Except in the very limited circumstances described in Rule II-16, Level I rule violations may not result in out-of-school suspension.

**Level II:** Level II rule violations involve more serious misconduct that may warrant short-term suspension of up to five (5) school days when, in the judgment of the principal or designee, non-disciplinary interventions and non-exclusionary discipline consequences are insufficient to address the behavior and prevent its recurrence. Principals may impose a short-term suspension of six (6) to ten (10) days or recommend a long-term suspension of eleven (11) days or more based on one or more aggravating factor(s) regarding the severity of the violation and/or safety concerns, provided such aggravating factor(s) are listed in the written suspension notice.

**Level III:** Level III rule violations are more severe in nature and may support long-term suspension. The principal may impose a short-term suspension of ten (10) days or less or decline to impose any suspension based on mitigating factors.

**Level IV:** The only rule in Level IV is one that reflects a statutory prohibition on the possession of a “firearm” or “destructive device” (as defined in the rule) on school property or at a school-sponsored event. State law requires principals to recommend a 365-day suspension for all violations of this rule. Only the Superintendent or Board of Education may modify this outcome. A level IV violation is always extremely serious and is treated as such.

**Level V:** Level V allows for permanent expulsion of a student from Moore County Schools for violation of one or more Level II, III, or IV rules in this Code if the following criteria are met: (1) the student is fourteen (14) years old or older; (2) both the principal and the superintendent/designee recommend expulsion; and (3) the Board determines, by clear and convincing evidence, that the student’s continued presence in school constitutes a clear threat to the safety of other students or school staff. Additionally, any student who is registered as a sex offender under [Article 27A of Chapter 14 of the North Carolina General Statutes](#) may be expelled in accordance with these procedures. If such a student is

offered alternative education services on school property, the student must be under the supervision of school personnel at all times.

## **H. Rules of Conduct**

### **LEVEL I**

#### **Rule I-1: Noncompliance with Directives from Principals, Teachers and Other School Personnel**

Students shall comply with classroom rules and the directives of all school personnel at all times while a student is under the authority of school personnel. This includes, but is not limited to, directives to identify oneself, to remove oneself from a dangerous or disruptive situation, or to report to a designated person or location.

#### **Rule I-2: Dress Code**

Students are expected to adhere to standards of dress and appearance. Our guiding principles for the student dress code are similar to those experienced and expected in the workplace: attire that furthers health and safety of students and staff, enables the educational process, and facilitates the operations of the school. Parents are asked to partner with the school district to monitor student attire to help adhere to the guiding principles set forth in the policy.

To promote these goals, students may not wear or carry clothing, jewelry, book bags, or other personal articles that:

1. Depict profanity, vulgarity, obscenity, or violence;
2. Promote the use or abuse of alcohol, tobacco, or illegal drugs;
3. Are prohibited under Policy 6401 III-8 (Gang and Gang Related Activity) or any other provision of the Code of Student Conduct;
4. Threaten the health or safety of staff or students; or
5. Are reasonably likely to create a substantial disruption of the educational process or operations of the school.

Specifically:

- a) Students must wear clothing that covers their skin from chest to mid-thigh with opaque (non-see-through) fabric in front, back, and on the sides.



- b) Students must wear shoes at all times except when changing for physical education or athletic practices or events or when specifically directed otherwise by a teacher or administrator.
- c) Clothing must cover undergarments.
- d) Breasts, genitals and buttocks must be covered with opaque (non-see-through) fabric.
- e) Clothing must be suitable for all scheduled classroom activities including physical education, science labs, wood shop, and other activities where unique hazards exist.
- f) Specialized courses may require specialized attire, such as sports uniforms or safety gear.
- g) Head coverings that conceal identity or prohibit the identification of students or impede the learning process are generally prohibited in the school building. However, students may wear head coverings in the school building as an expression of sincerely held religious belief (e.g., hijabs or yarmulkes) or cultural expression (e.g., geles) or to reasonably accommodate medical or disability-related issues (e.g., protective helmets).

**Enforcement:** Any school dress code enforcement actions should minimize the potential loss of educational time. When a school staff member or school administrator discusses a dress or grooming violation with a student, the adult should be the same gender as the student if practicable. Staff concerns about student attire should be discussed discretely and out of earshot of other students to the extent practicable. Teachers or staff discussing a dress or grooming violation with a student should present options for obtaining appropriate clothing (e.g., school clothing closet) or otherwise complying with this dress code (e.g., removing a problematic item). School-directed changes to a student's attire or grooming should be the least restrictive and disruptive to the student's school day.

**Applicability:** This policy is to be applied fairly and consistently without regard to race, gender, or other inherent traits or characteristics. Principals or their designees shall make reasonable accommodations for religious, educational, medical, or disability-related reasons and for cultural celebrations.

This policy does not apply to school-sanctioned uniforms and costumes approved for athletics, choral, band, dance, or dramatic performances. Except as specifically noted in this policy based on an exception or accommodation, this policy applies at all times when students are present on school property or in attendance at official, school-sponsored events.

### **Rule I-3: Academic Integrity**

Students shall not cheat, lie, plagiarize, falsify notes or other documents, or provide false information to school officials with regard to any report card, attendance matter, grades or progress reports, discipline matters or any other school business.

**A. Cheating:** Cheating is an academic deception where a student intends in some way to receive or attempt to receive credit for work not originated by the student, to give or receive unauthorized assistance, or to give or receive an unfair advantage on any form of academic work.

Cheating includes, but is not limited to:

- copying from another student's examination, assignment, or other coursework with or without permission;
- allowing another student to copy work without authorization from a teacher or administrator;
- taking an examination, writing a paper, or completing any other assigned academic task on another student's behalf;
- using notes or resources in any form, including written or online, without authorization;
- sharing or accepting from another, without authorization, any examination content, questions, answers, or tips on an assessment or assignment through the use of notes, scratch paper, social media, or any type of written, oral, or electronic communication.

**B. Plagiarism:** Plagiarism is using passages, materials, words, ideas, and/or thoughts of someone or something else and representing them as one's own original work without properly crediting the source.

Plagiarism includes, but is not limited to:

- copying text, images, charts, or other materials from digital or print sources without proper citation;
- intentional misrepresentation of work as your own by paraphrasing of items from digital or print sources without proper citation;
- using translation tools or resources to translate sentences or passages without permission;
- using a thesis, hypothesis, or idea obtained from another source without proper citation.

**C. Falsification or Deceit:** Intentional acts of falsification or serious deceitful misconduct that cause a substantial detrimental impact on school operations or other individuals are prohibited.

Falsification or deceit includes, but is not limited to:

- falsifying another person's name on a school-related document such as a test or report;
- buying or selling test questions or answers;
- copying secure test materials and providing the materials to others;
- paying for or receiving anything of value to complete a school assignment.

Students should also refer to the Acceptable Use of Technology and Electronic Media Policy (3253/4253/5451) for rules governing integrity and the use of electronic resources.

#### **Rule I-4: Honesty**

Students are expected to be honest and forthright with school staff and volunteers. Lying, intentionally misleading, and actively concealing the truth from staff and volunteers are prohibited. Dishonest acts or statements that violate other rules in this Code may result in consequences under those other rules. Dishonesty may also be considered as an aggravating factor in connection with other forms of misconduct.

#### **Rule I-5: Trespassing**

Students shall not be on the campus of any school except the one to which the student is assigned without the knowledge and consent of the officials of that school. Students who remain at school after the close of the school day or come onto school grounds when school is not in session without permission will be considered trespassers. If the student does not leave when instructed to do so, he/ she may be prosecuted.

A student under suspension from school is trespassing if he/she appears on the property of any school or at any school sponsored activity during the suspension period without the express permission of the principal. Students who trespass on school property to engage in other forms of misconduct (e.g., fighting/physical aggression or theft) may be subject to consequences under other applicable rules in this Code, and the act of trespassing may be considered an aggravating factor.

#### **Rule I-6: School/Class Attendance**

Students will attend school each school day except in the case of excused absences. Students will be on time to school and on time to class, will refrain from entering unauthorized areas, and will remain at school and in the designated locations for the duration of each school day unless excused.

#### **Rule I-7: Inappropriate Interpersonal Behavior/Sexual Behavior**

Students shall not engage in inappropriate public displays of affection or other behavior, whether consensual or non-consensual, which is lewd, indecent or of a sexual nature.

#### **Rule I-8: Use of Tobacco, Vaporizers and Nicotine Products**

Students shall not use or possess any tobacco product at any time in any building, facility, or vehicle owned, leased, rented or chartered by Moore County Schools, on any school grounds and property - including athletic fields and parking lots - owned leased, rented or chartered by Moore County Schools, or at any school-sponsored or school-related event on-campus or off-campus or at any other time when students are subject to the authority of

school personnel (see also Board Policy 4032/3032/6610/8555- Smoking and Tobacco Products). For purposes of this policy, the term “tobacco product” means any product that contains, is made or derived from, or reasonably resembles tobacco or nicotine and is intended for human consumption. This includes, but is not limited to, “herbal” cigarettes, vaporizers and other substances or devices used for inhalation of smoke or vapor, whether or not they contain tobacco or nicotine.

### **Rule I-9: Electronic Devices**

Use of certain wireless communication devices during instructional time is permitted only in strict accordance with the Bring Your Own Device (BYOD) policy found in section 3253.12/4253.12/5451.12 of the Board of Education's Acceptable Use of Technology and Electronic Media Policy 3253/4253/5451. Except as expressly permitted under the BYOD section of the Acceptable Use of Technology and Electronic Media policy, no student shall use, during instructional time, display, transmit or have in the "on" position any wireless communication device or personal entertainment device, including but not necessarily limited to, cell phones, tablets, smart watches and other wearable devices, electronic games, or any laser pointer or similar devices. The principal has discretion to permit students to use technology as an instructional tool or resource, as needed. The school system assumes no responsibility for personal technology devices brought to school.

In the event of multiple violations of this policy, the principal may prohibit the student from possessing the device on school premises. The student may leave their device in their personal vehicle during the school day. This rule does not apply to use of electronic devices in personal vehicles when such use occurs outside of the school day.

### **Rule I-10: Bus Behavior**

Students, at all times while riding a school bus or other school-owned or operated vehicle, or while waiting at designated bus stops must obey the rules of this Code and shall observe the directives of the driver and/or vehicle safety monitor. The following conduct is specifically prohibited and may result in revocation of school system provided transportation privileges:

- delaying the bus schedule,
- refusing to obey the driver's instructions,
- tampering with or willfully damaging the school vehicle,
- getting off at an unauthorized stop,
- distracting the driver's attention by participating in disruptive behavior while the vehicle is in operation,
- throwing objects on or from the bus,
- failing to observe and obey safety regulations,
- willfully trespassing on a school-owned or operated vehicle, or
- violating any other Code of Conduct rule while on the school bus.

If a violation of this rule also violates other Code rules, the student may be subject to consequences under the other applicable rules in this Code as well.

**Rule I-11: Appropriate Language**

Cursing or use of vulgar, profane or obscene language, oral or written, is prohibited. If such language is directed at a school employee, volunteer, visitor or other student(s), such conduct should be treated under Rule I-13.

**Rule I-12: Gambling**

Students shall not engage in any unauthorized form of games of chance or gambling in which money and/or objects of value may be won or lost.

**Rule I-13: Respect**

Respect is expected between students and staff. Students will refrain from words (written or spoken) and/or gestures that demean, degrade, antagonize or humiliate a school employee, volunteer, visitor or other student(s). Examples may include ridiculing, cursing at or aggressively or angrily shouting at an employee, volunteer, visitor or other student(s).

**LEVEL II**

**Rule II-1: Threats/False Threats**

No student shall make any threat through written or spoken language, sign, or act which conveys a serious expression of intent to cause harm or violence.

Furthermore, no student shall make a false threat of harm or violence, even jokingly, which causes or is reasonably likely to cause fear or a disruption to school activities.

**Rule II-2: Harassment and Bullying**

Students shall not engage in harassment/bullying as defined in Policy [3037/4037/6640/8337 3080/4080/6080](#).

For purposes of this policy, the following definitions apply:

Harassment and Bullying

The Board prohibits all forms of unlawful harassment and bullying. For purposes of this policy, bullying or harassment is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication that:

a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of the school environment.

“Hostile environment” means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

### **Rule II-3: Sexual Harassment**

Students shall not engage in sexual harassment as defined in Policy [3037/4037/6640/8337/3070/4070/6070](#).

### **Rule II-4: Hazing**

Students shall not engage in hazing or aid or abet any other student in the commission of this offense. Hazing means subjecting another student to injury, harassment or humiliation as part of an initiation, or as a prerequisite to membership in any school group, including any society, athletic team, or other similar group.

### **Rule II-5: Unjustified Activation or Tampering with a Fire Alarm or Other Alarm System**

No student shall set off, attempt to set off, or aid and abet anyone in giving a false fire alarm. No student shall interfere with or damage any part of a fire alarm, fire detection, smoke detection, fire extinguishing system, or emergency escape system.

### **Rule II-6: Fighting and Physical Aggression or Provocation**

Students shall not engage in fighting or physical aggression toward others, including but not limited to:

A. Hitting, choking, slapping, shoving, scratching, spitting, biting, blocking the passage of, or throwing objects at another person in an aggressive or confrontational manner; or

B. Taking any action or making comments or writing messages that might reasonably be expected to result in a fight or physical aggression.

Students may use force in self-defense only to the extent necessary to get free from the attacker and notify a teacher or administrator. A student who exceeds reasonable force may be disciplined even if he or she did not instigate the fight. Students who instigate fights will be subject to the same consequences under this policy as those who directly engage in fighting.

For elementary students, the age of the child may be considered a mitigating circumstance depending on the nature and severity of the physical aggression.

### **Rule II-7: Extortion**

Students shall not extort through verbal, written or physical threats, coercion, or intimidation anything of value from any other student or school employee.

Students shall not obtain or attempt to obtain money, property, or other items of value or compel another person to take action or refrain from action against that person's will by means of force or verbal or written intimidation, or threat.

### **Rule II-8: Theft**

Students shall not steal or attempt to steal or knowingly be in possession of stolen property.

### **Rule II-9: Destruction of School or Personal Property**

Students shall not intentionally damage, deface or attempt to damage or deface any school property or the personal property of another.

### **Rule II-10: Aiding and Abetting**

No student shall aid or abet another student in violating any Level II, III or IV rule in the Student Code of Conduct. To aid or abet means to help, assist or facilitate the violation of any rule.

### **Rule II-11: Inappropriate Illustrations, Images, or Other Materials**

The possession of illustrations, audio or video recordings, written materials, graphics, or other print or digital documents, media, or files which significantly disrupt the educational process or which are profane, pornographic, or obscene is prohibited.

### **Rule II-12: Hacking and Unauthorized Computer Access/Technology Misuse**

Students will comply with all state and federal laws and regulations governing access to computers, computer networks, stored data, passwords, and other technology systems and resources and will refrain from all forms of computer or network "hacking," whether criminal or not. Any willful or knowing effort to obtain unauthorized access; to steal; to

maliciously alter, modify, or destroy; to introduce viruses; or otherwise to cause harm to any such computer, computer network, stored data, or other technology resource is a violation of this rule.

### **Rule II-13: Substantially Disruptive or Dangerous Behavior**

Students will not make oral or written statements or intentionally engage in conduct that, despite efforts by staff to intervene or redirect the behavior, (1) substantially disrupts the educational environment or (2) threatens the health, safety, or welfare of staff or students. Statements or conduct that “substantially disrupt” the educational environment may include, for example, intentionally blocking entrances or exits or obstructing the flow of traffic within or outside of the school building, intentionally interfering with or interrupting school activities such that teaching and learning are compromised, or engaging in loud or boisterous conduct that significantly distracts others from peaceable and orderly school activities.

Words or conduct that would otherwise be a Level I violation (e.g., failure to comply with directives or unacceptable language) may also constitute a violation of this Level II rule if they (1) persist directly following attempts by staff to intervene or redirect the behavior and substantially disrupt teaching, learning, or the orderly conduct of school activities or (2) inherently threaten the health, safety, or welfare of staff or students. Examples include, but are not limited to, continuing to shout or use profanity directly after intervention or redirection, continuing to engage in disruptive rough-housing or horseplay directly after intervention or redirection or in a manner that is reasonably likely to cause injury, or throwing objects directly after intervention or redirection or in a manner that is reasonably likely to cause injury.

### **Rule II-14: Report Firearm, Destructive Device, Weapon, or Dangerous Instrument**

Any student who has reason to believe that another student possesses or intends to bring a “firearm” or “destructive device,” as defined in Rule IV-1, or a “weapon” or “dangerous instrument/substance”, as defined in Rule III-5, onto any school campus or to any school activity shall report this information to school or law enforcement authorities immediately.

### **Rule II-15: Search and Seizure**

Students may not refuse to allow and may not seek to impede any search or seizure of their person or belongings that is authorized under the Board’s “Student Searches” policy.

### **Rule II-16: Repeated/Willful Violations of Level I Rules**

A student may be subject to out-of-school suspension of up to two (2) days under this Rule for repeated, willful violations of any Level I rules, but only if (1) the school has documented at least three prior violations of the same Level I rule within the same academic semester; (2) appropriate non-disciplinary interventions have been attempted and documented with each of those last three violations; and (3) school administrators have



contacted the student and parent to warn them of the possibility of out-of-school suspension before the final incident that leads to the suspension.

### **LEVEL III**

#### **Rule III-1: Assault on a Student**

No student shall physically assault or attempt to cause serious physical injury to another student. For the purposes of this policy, serious physical injury shall refer to any significant or aggravated bodily injury, including but not limited to broken bone(s), loss or chipping of teeth, loss or impairment of vision, loss of consciousness, internal injuries, scarring or other disfigurement, significant bleeding, lacerations resulting in sutures, significant bruising, severe or prolonged pain, any injury requiring hospitalization for any period of time, and/or any injury resulting in medical treatment beyond simple first aid procedures.

#### **Rule III-2: Assault on School Personnel or Other Adult**

No student shall physically assault or attempt to cause physical injury to any school employee or other adult.

*Note: If a teacher is assaulted or injured by a student and as a result the student is reassigned to alternative education services, long-term suspended, or expelled, the student shall not be returned to that teacher's classroom unless the teacher consents.*

#### **Rule III-3: Assault Involving Weapon/Dangerous Instrument/Substances**

No student shall assault another using a weapon, dangerous instrument, or dangerous substances.

*Note: Refer to Level IV: Rule IV-1 for violations involving Firearms/Destructive Devices.*

#### **Rule III-4: Bomb Threats/Threats of Mass Violence**

##### **A. Bomb Threats**

No student shall make or participate in making a bomb threat. A bomb threat is defined as a report made by any means of communication to any person or group of persons, knowing the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device designed to destroy or damage property by explosion, blasting, or burning. A person is guilty of making a bomb threat who, with intent to perpetrate a hoax, conceals, places, or displays any device, machine, instrument or artifact on educational property or at a school-sponsored curricular or extracurricular activity

off educational property, so as to cause any person reasonably to believe the same to be a bomb or other device capable of causing injury to persons or property.

#### B. Threats of Mass Violence

No student shall make a report that he or she knows or should know is false, that any device, substance or material designed to cause harmful or life threatening illness or injury to another person, is located on school property or at the site of a school activity.

No student shall, with intent to perpetrate a hoax, conceal, place, disseminate or display on school property or at the site of a school activity any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause a reasonable person to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person.

No student shall threaten to commit an act of mass violence on school property or at the site of a school activity when the threat is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.

No student shall make a report that he or she knows is false, that an act of mass violence on school property or at the site of a school-sponsored activity is imminent, when that report is intended to cause, or actually causes, a significant disruption to the instructional day or a school-sponsored activity.

For purposes of this rule, “mass violence” is physical injury that a reasonable person would conclude could lead to permanent injury (including mental or emotional health) or death to two or more people.

No student shall aid, abet, and/or conspire to commit any of the acts described in this section.

### **Rule III-5: Possession of a Weapon, or Dangerous Instrument/Substance**

No student shall possess, handle, or transmit any weapon, facsimile of a weapon, dangerous instrument/substance or other object that can reasonably be considered or used as a weapon or dangerous instrument/substance. This does not apply to any student who finds a weapon or dangerous instrument/substance on school property or receives it from another person on school property and who immediately reports the weapon or dangerous instrument/substance to school or law enforcement authorities.

For the purpose of the Student Code of Conduct, the following definitions apply.

A. Weapon: Any firearm, BB gun, stun gun, mace/pepper spray, air rifle, air pistol, ammunition, power loads, fireworks, knife, slingshot, leaded cane, blackjack, metallic knuckles, razors, razor blades, box cutter and any sharp-pointed or edged

instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance.

B. Dangerous instrument/substance: Any object or substance that is possessed, handled, transmitted, or used for the purpose of causing or attempting to cause physical injury.

C. Facsimile of a Weapon: Any copy of a weapon that could reasonably be perceived to be a real weapon.

*Note: Refer to Level IV: Rule IV-1 for violations involving Firearms/Destructive Devices.*

### **Rule III-6: Narcotics, Alcoholic Beverages, Controlled Substances, Chemicals, and Drug Paraphernalia**

No student shall possess, use, distribute, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or illegal cannabis product, anabolic steroid, other controlled substance, any alcoholic or other intoxicating beverage, drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or otherwise altering a student's mood or behavior.

The proper use of a drug authorized by valid medical prescription from a legally authorized health care provider shall not be considered a violation of this rule when the drug is taken by the person for whom the drug was prescribed. Legally prescribed medications that need to be taken during school hours **MUST** be handled in accordance with Policy 3260/4260, Administering Medicines to Students.

For the purpose of the Student Code of Conduct the following definitions apply:

1. Possession: Having the prohibited substance on the student's person or in another place where the student, either alone or jointly with others, has control over it. Control may include, but is not limited to, possession of a prohibited substance in an automobile, locker, book-bag, or desk.
2. Use: The consumption, injection, inhalation, ingestion or absorption of a prohibited substance into a student's body by any means.
3. Under the influence: Having used a prohibited substance such that it continues to influence a student's mood, behavior, or learning to any degree.
4. Sell: The exchange of a prohibited substance for money, property, or any other benefit or item of value.

5. **Distribute:** To transmit a prohibited substance to one or more other students, with or without compensation. For purposes of this definition, a student has not "distributed" a prohibited substance (but may be guilty of "possession" or "use") if the student's sole involvement is to share or pass a prohibited substance with other students in the course of using it, so long as the student was not the one who brought the prohibited substance onto school property or otherwise made it available to other students.
6. **Possess with intent to distribute/sell:** Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statements or actions of the student that demonstrate an intent to distribute or sell.
7. **Counterfeit Substance:** Any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.
8. **Unauthorized Prescription Drug:** Any prescription drug or medication that is used or possessed by someone other than the person for whom the prescription was written.
9. **Authorized Prescription Drug:** Any drug authorized by valid medical prescription from a legally authorized health care provider.
10. **Drug Paraphernalia:** Objects that are used or intended to be used for ingesting, injecting, inhaling, or otherwise introducing a substance prohibited by this rule into the body, including but not limited to pipes, vaporizers, rolling papers, and syringes. Relevant evidence may be considered in determining whether an object is drug paraphernalia.

### **Rule III-7: Violations of North Carolina Criminal Statutes**

Students shall not violate any criminal statute or local ordinance or commit any act which could result in criminal prosecution or juvenile proceedings not covered elsewhere in these rules.

### **Rule III-8: Gang and Gang Related Activities**

The Board of Education believes that gangs and gang-related activities pose a serious safety threat to students and staff members and can significantly disrupt the educational environment. Even actions that are not innately dangerous, such as displaying hand signs, wearing items of particular colors, and speaking with special jargon can substantially increase the risks of criminal activity and physical injury when those signs and signals are used to support, signal, promote, or encourage gang activity or affiliation. Students who

feel pressured to participate in or condone gang activities are urged to seek help from teachers, administrators, parents, and law enforcement officers.

No student shall participate in any gang-related activities. For purposes of this policy, a "gang" is any ongoing organization, association, or group of three (3) or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts, and having a common name or common identifying sign, colors or symbols. "Gang-related activities" are any activities engaged in by a student on behalf of an identified gang to perpetuate the existence of an identified gang, to affect the common purpose and design of an identified gang or to represent gang affiliation, loyalty or solidarity.

Conduct prohibited by this policy includes the following:

- Wearing, possessing, using distributing, displaying or selling any clothing, jewelry, emblems, badges, symbols, signs, visible tattoos and body markings, or other items, with the intent to convey or promote membership or affiliation in any gang,
- Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), with the intent to convey or promote membership or affiliation in any gang,
- Tagging or otherwise defacing school or personal property with symbols or slogans intended to convey or promote membership or affiliation in any gang,
- Requiring payment or protection, money or insurance, or otherwise intimidating or threatening any person in connection with gang-related activity,
- Inciting other students to intimidate or to act with physical violence upon any other person on connection with gang-related activity,
- Soliciting others for gang membership, and
- Committing or conspiring to commit an illegal act in connection with gang-related activity.

When a first infraction involves only the wearing of gang-related attire, the student shall receive a warning and be allowed to immediately change or remove the attire as an alternative to disciplinary action.

The Superintendent or Superintendent's designee shall regularly consult with law enforcement officials to identify examples of gang-related items, symbols and behaviors and shall provide each principal with this information. Parents and students shall be notified that such information is maintained in the principal's office, that it is subject to change, and that the principal's office may be consulted for updates. In providing this information for parents and students, the school system acknowledges that not all potential gang indicators connote actual membership in a gang.

## **LEVEL IV**

### **Rule IV-1: Possession of a Firearm/Destructive Device**

As required by state law, any student in grades K-12 shall be recommended for suspension for 365 calendar days for bringing a “firearm” or “destructive device” onto school property or to a school-sponsored event off school property, or for possessing a “firearm” or “destructive device” on school property or at a school-sponsored event off school property. School property includes any property owned, used, or leased by the Board, including school buses, other vehicles, and school bus stops. Principals are required to refer to the law enforcement system any student who brings a firearm or weapon to school.

Students shall not possess or conceal or transport any firearm, or destructive device that could cause or that is intended to cause bodily injury or other harm to another.

For the purpose of the Student Code of Conduct, the following definitions apply.

**Firearm:** Any gun, rifle, shotgun, pistol, firearm silencer, or part thereof. This includes a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon or any firearm or destructive device defined by [G.S. 14-269.2\(b\)](#) and (g).

**Destructive device:** Any powerful explosive, including dynamite, nitroglycerin, trinitrotoluene, blasting cap, incendiary or poison gas bomb, grenade, rocket having a propellant charge of more than four (4) ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or device similar to any of the devices described in this definition.

Any student who has knowledge that another student possesses or intends to bring a firearm or destructive device on any school campus or to any school activity shall report this information to school or law enforcement authorities immediately. Failure to do so may result in discipline under Rule II-14.

Any student who possesses a firearm or destructive device on school property or at a school-sponsored curricular or extracurricular activity off campus shall be suspended for 365 calendar days, unless modified by the Superintendent or Board of Education.

The 365-day suspension does not apply to any student who finds the firearm on school property or receives it from another person on school property and who delivers the weapon, immediately, to school or law enforcement authorities.

Any student age 14 or older who possesses, handles or transmits a firearm or destructive device on school property may be expelled.

## **LEVEL V**

Level V is the most serious level in this Code. While there are no separate Level V rules, the violation of one or more Level II, III, or IV rules in this Code becomes subject to Level V sanctions – meaning that a student may be permanently expelled from the Moore County Public School System – if all of the following criteria are met: (1) the student is fourteen (14) years old

or older; (2) both the principal and the superintendent/designee recommend expulsion; and (3) the Board determines, by clear and convincing evidence, that the student’s continued presence in school constitutes a clear threat to the safety of other students or school staff.

Additionally, any student who is registered as a sex offender under [Article 27A of Chapter 14 of the North Carolina General Statutes](#) may be expelled in accordance with these procedures. If such a student is offered alternative education services on school property, the student must be under the supervision of school personnel at all times. Expulsion is a consequence of last resort. Principals are urged to consult with appropriate district level staff before recommending a student for permanent expulsion.

Legal Reference: [G.S. 115C-390.1, 390.2, G.S. 90-89, -90, -14-269.2](#)

Adopted: November 29, 1990

Revised: September 23, 1991; Revised: November 9, 1993; January 31, 1994; February 27, 1995; May 20, 1996; June 12, 1998; March 22, 1999; August 6, 1999; July 17, 2000; July 23, 2001; June 24, 2002; August 26, 2002; February 28, 2005; Revised: April 25, 2005; May 23, 2005; May 22, 2006; June 11, 2007; April 14, 2008; June 8, 2009; January 7, 2010; July 18, 2011; January 16, 2018; November 5, 2018; July 13, 2020; \_\_\_\_\_

## 6902 STUDENT GRIEVANCES

A student, parent or guardian may initiate the grievance procedure to appeal any final decision of school personnel within the school system, except as provided in section 6902.1 below. Students and their parents are encouraged to discuss their concerns informally with the person(s) involved before invoking formal grievance procedures.

Grievances that involve an alleged violation of Board policy or state or federal law or regulation by a final administrative decision may be appealed to the Board of Education. All other grievances may be appealed to the Superintendent/Designee, but are only appealable to the Board in its discretion as outlined in 6902.5 below.

### 6902.1 Application of Policy

This policy does not apply in the case of long-term suspensions and expulsions, where Policy 6515 – Due Process applies or in the case of alleged discrimination, harassment or bullying by employees, where Policy ~~3037/4037/6640/8337~~ [3060/4060/6060](#) or the [applicable policies referenced therein apply](#).

applies.

### 6902.2 Step I – Principal Conference

A student, parent or guardian wishing to invoke the grievance procedure shall make a written request for a conference with the principal to discuss the grievance and seek resolution. The request shall detail the basis for the grievance, name any policy, rule or law believed to have been violated, and specify the relief being sought. The following additional guidelines shall be observed in Step I.

1. No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance.
2. The principal shall grant the conference within five (5) school days following receipt of the request. The principal shall state in writing his/her position on the question to the student or parent within five (5) school days following the conference.
3. Only the parent, guardian or someone acting in *loco parentis* shall be permitted to join or represent the student in the conference with the principal.

### 6902.3 Step II – Appeal to the Superintendent

If the grievance is not resolved at Step I, the student, parent or guardian may appeal the principal's decision in writing to the Superintendent. The appeal must be made within five (5) school days following receipt of the principal's written response in Step I. The Superintendent or his/her designee shall review the grievance within five (5) school days



following receipt of the appeal. If the Superintendent or his/her designee determines that additional time is needed to investigate the grievance, the Superintendent or his/her designee may take fifteen (15) additional school days (or longer if by mutual agreement) to complete the investigation. A written response shall be made to the student, parent, guardian and principal from the Superintendent or his/her designee within ten (10) school days following the completion of the review.

#### **6902.4 Step III – Appeal to the Board of Education**

If the grievance is not resolved at Step II, and it involves an alleged violation of state or local Board policy or state or federal law or state rule by a final administrative decision, it may be appealed in writing to the Board of Education. This written appeal must be made within ten (10) school days following the written response from the Superintendent at Step II. A panel appointed by the Chair and composed of not fewer than two Board members shall hear such grievances in closed session. The hearing shall be limited to the written record and oral presentations by the grievant and administration, unless the Board determines that additional information is necessary. The Board panel may affirm, reverse or modify the decision of the Superintendent. In reaching its decision, the Board panel shall determine whether there has been a material violation of Board policy or state or federal law or regulation. The Board panel shall offer a final written decision within thirty (30) days.

#### **6902.5 Discretionary Appeals**

A grievant who is not entitled to appeal to the Board may seek discretionary review by submitting a written appeal to the Superintendent's office within ten (10) school days following the written response from the Superintendent at Step II. The Board Chair and Vice-Chair shall review the request and notify the grievant within ten (10) school days from receipt of the request whether the Board will grant a hearing. If the Chair and Vice-Chair do not agree on whether to grant the request, a Board hearing will be allowed. The procedures outlined in section 6902.4 will be followed in any hearing granted under this section.

#### **6902.6 Policy Dissemination**

The Superintendent shall disseminate Policy 6902 to students at the beginning of each school year. The policy shall also be on file in the principals' offices and the office of the Coordinators of Title IX and the Individuals with Disabilities Education Act.

#### **6902.7 Failure to Comply with Timelines**

If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further rights of appeal and the grievance will be considered resolved.

## **6902.8 Withdrawal of Grievance**

The grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn it cannot be re-opened. If at any time during the grievance process the school system grants the grievant the relief requested, the grievance shall be terminated at that time.

Legal Reference: [G.S. 115C-45, -47](#); Title IX of the Education Amendments of 1972, as amended; [20 U.S.C. §§ 1400](#)*et seq.*

Adopted: November 29, 1990

Revised: January 31, 1994; May 12, 2008; April 10, 2017; November 5, 2018;

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## 7401 COMMUNITY USE OF FACILITIES

The Board endorses the goals of the Community Schools Act. The Board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The Board also will make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the Board's use of the facilities. Public use is subject to Section H of this policy.

### A. General Principles

The use of school facilities by community groups should be consistent with the educational program and the goals and objectives of the Board and school system.

Priority for facility use will be given to community groups as outlined below in Section B. For-profit groups as identified in the Facility Use Application are permitted to use school facilities.

Use of school facilities will not be approved for activities that do any of the following:

1. violate federal, state, or local laws;
2. violate Board of Education policies or regulations;
3. advocate imminent violence;
4. damage or have the potential to damage school buildings, grounds, or equipment;  
or
5. are in conflict with scheduled school activities.

### B. Priority in Use/Fee Structure

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups (see Policy ~~3037/4037/6640/8337—Discrimination/Harassment/Bullying~~ [3060/4060/6060—Discrimination and Harassment Prohibited by Federal Law](#)). All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with [G.S. 163A-1046](#), as a polling place on election days

2. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations and booster clubs)

Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other supervisory services may be charged.

3. In accordance with [G.S. 115C-527](#), political parties for the express purpose of annual or biennial precinct meetings and county and district conventions

Fees: Custodial and utility fees may be charged.

4. Local government and youth organizations, including, but not limited to, scouts and 4-H

Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen, and/or supervisory fees will be charged.

5. All other non-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions)

Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.

6. For-profit groups as identified in the Facility Use Application.

Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.

Prior to the beginning of each school year, the Superintendent shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

### **C. Requests for Use of Facilities**

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school in which the facility is located. Facility use request forms will be available in the school administrative office and on the school district's website.

### **D. Facilities Available for Use**

The Board permits eligible individuals or groups to use the facilities of those schools designated by the Board as "community schools." A list of facilities available for community use is available to the public at the Superintendent's office, at each principal's office and on the school district's website.

The Superintendent is authorized to develop a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds.

Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the Superintendent or designee. The Superintendent is authorized to determine the fees for the use of facilities in such circumstances.

### **E. Rules Governing Use of School Facilities**

The Superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the Superintendent. A copy of the regulations will be provided to all applicants at the time they receive the facilities use application form. In addition to the regulations established by the Superintendent, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and all rules established by the Board, the Superintendent or designee and the principal.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see Policy 3032/4032/6610/8555 - Smoking and Tobacco Products).
4. Users must not consume or possess alcohol or drugs on school grounds.
5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and Policy 3045/4045/6605/8565 - Weapons and Explosives Prohibited.
6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

A user's violation of the provisions of this policy or any applicable regulations is grounds for suspending the user's privilege to use school facilities for a period of time deemed appropriate by the principal, subject to the review of the Superintendent and the Board of Education.

### **F. Damages and Liability Insurance**

Users of school facilities are responsible for all damage to school facilities, property or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. Users also are responsible for the conduct of all persons involved in the users' activities while on school property.

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of \$1,000,000 for each claim made.

### **G. Term and Acceptance of Lease**

The Superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The Superintendent shall inform the Board of the execution of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the Board. Long-term exclusive leases are subject to the provisions of Policy 2422 – Sale, Disposal and Lease of Board-Owned Real Property.

### **H. Use of Outdoor School Facilities by the General Public**

Outdoor property and facilities of the school system will be open to limited use by members of the general public in accordance with rules to be established by the Superintendent or designee. Public use will be permitted only to the extent that it 1) is not inconsistent with the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the schools and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The Superintendent is authorized to restrict use during operating hours and to establish all terms, conditions, and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

### **I. Review of Decisions Concerning Use of School Facilities**

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with Policy 6902, Student Grievances.

Legal Reference: Americans with Disabilities Act, [42 U.S.C. 12101 et seq.](#), [28 C.F.R. pt. 35](#); Equal Access Act, [20 U.S.C. 4071-4074](#), [28 C.F.R. pt. 36](#); Boy Scouts of America Equal Access Act, [20 U.S.C. 7905](#), [34 C.F.R. pt. 108](#); [36 U.S.C. 20101 et seq.](#); [G.S. 14-269.2](#); Community Schools Act, [G.S. 18B-301\(f\)\(7\)](#); [115C-203 to 209.1](#); [115C-524, -527](#); [160A-274](#); [163A-1046](#)

Adopted: November 29, 1990

Revised: May 23, 2005; April 14, 2008; August 13, 2018; \_\_\_\_\_

## Other new/revised policies

### 1620 EXPENSES FOR MEMBERS OF THE BOARD OF EDUCATION

#### **Guidelines for Moore County Board of Education Professional Development and Travel Reimbursement and Expense Allowances**

Revised 8/18/2020

**Approved by the Moore County Board of Education on February 10, 2014**  
**Expense Allowances Approved by MCBOC on March 4, 2014**

The following guidelines have been approved by the Moore County Board of Education and govern all Board member requests for expense reimbursement and all expense allowances related to Board members' professional development and official travel.

#### A. EXPENSE REIMBURSEMENT

1. Each Board Member will be eligible to be reimbursed for up to \$5,000.00 for education and training relevant to his or her service as a Board member during each two-year period that he or she serves as a Board member. This amount is inclusive of registration fees, hotel expenses, meal reimbursements, and out-of-county travel costs associated with such education and training, but does not include any expense allowances for in-county mileage or per diem meal allowances as described in section B of these guidelines. Each member will decide which conferences/meetings to attend based on meeting agenda and content. If a Board Member has exhausted his or her \$5,000.00 budget over the relevant two-year period and wishes to attend additional conferences or meetings during that time, the Board Member may either:
  - a. Request approval to attend additional conferences by submitting the request for consideration and approval by the Board in open session at an official Board meeting.
  - b. Pay for the costs associated with the additional conference or meeting without requesting reimbursement from the district.
2. All requests for reimbursement for out-of-county travel and/or attendance at out-of-county conferences or meetings must be approved by the Board Chair and reported to the Chief Financial Officer (CFO) before payments will be made by the district. Any such requests submitted by the Board Chair must be approved by the Board Vice-Chair and reported to the CFO before payments will be made. Any denial by the Chair or Vice-Chair of a request made pursuant to this section may be appealed to the full Board at the next regularly scheduled Board meeting.
3. Airline reservations will be scheduled through the superintendent's office and paid by the district in advance. If a Board member is traveling with a spouse or another traveling companion, reservations for the spouse or traveling companion may be made at the same time but at the Board member's or traveling companion's expense. Board members must either submit a personal credit card number to the Finance Office in advance of booking or deliver a check to the Finance Office within 48 hours of booking. If a Board Member must make an adjustment in travel arrangements for any reason other than a district purpose, any costs associated with the change (including but not limited to cancellation fees or non-refundable deposits) will be considered a personal expense.
4. Hotel reservations will be scheduled through the superintendent's office and paid by the district in advance. If a Board member must make an adjustment in travel arrangements for any reason other than a district purpose, any costs associated with the change (including but not limited to cancellation fees or non-refundable deposits) will be considered a personal expense. Hotel rooms will be covered only for the length of the conference. Any extra days will be at the Board Members expense. Reimbursement to a Board member sharing a room with a family member or guest will be limited to the single occupancy rate.
5. When there is a realistic option of either driving or flying to an out-of-state destination, the lesser of the costs will be used for reimbursement calculations.



6. The District mileage chart (or Map Quest **Google Maps**) and the optional standard mileage rate for business travel used by the United States Internal Revenue Service will be used to calculate mileage reimbursement for all approved out-of-county travel, using the Board member's home as the origination point. Board members will be reimbursed for taxi, transportation, and/or parking costs consistent with these guidelines upon submission of receipts.

7. Upon submission of receipts, Board members will be reimbursed for the actual costs of meals consumed at or while traveling to or from conferences or meetings. Alcoholic beverages are not subject to reimbursement. Alternatively, Board members may obtain per diem expense allowances for such meals as provided in section B.1 of these guidelines.

8. Expenditures not covered in these guidelines will be considered the personal responsibility of the individual Board member

#### B. EXPENSE ALLOWANCES

1. Board members will be eligible for the following per diem meal allowances while traveling to conferences or meetings in their official capacities as Board members:

- a. \$40.00 per day for in-state travel
- b. \$50.00 per day for out-of-state travel.

Amounts may be paid in advance or in arrears after Finance review of the respective meeting/conference agenda to confirm that meals for which reimbursement is sought are not included with the meeting/conference. If some but not all meals are provided as part of the meeting/conference, Board members will be eligible for the following per allowances for each meal not provided during the conference and during travel to and from the conference:

- a. \$8.00 per day for breakfast, \$12.00 per day for lunch, and \$20.00 per day for dinner for in-state travel.
- b. \$10.00 per day for breakfast, \$15.00 per day for lunch, and \$25.00 per day for dinner for out-of-state travel.

2. Each Board member will receive \$50 per month to cover all in-county travel, regardless of actual mileage incurred and without submission of a mileage report.

## **3044/4044/7405 USE OF UNMANNED AIRCRAFT (DRONES)**

The Board supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the Board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the Board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

### **A. Definitions**

For purposes of this policy, the following definitions apply.

1. An “unmanned aircraft” or “drone” is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.
2. The “use” of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.
3. “School property” includes any property that is owned, leased, or otherwise controlled by the board.
4. Use of an unmanned aircraft is for a “recreational” purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

### **B. Authorized Use of Unmanned Aircraft**

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the Superintendent or designee and must comply with the requirements of this policy and all other applicable Board policies, including the public use requirements of Policy 7401, Community Use of Facilities, when applicable. Such use also must comply with all federal, state, and local laws and regulations, including the most current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA) and the North Carolina Department of Transportation (NCDOT).

The Superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property.

Prior to obtaining approval from the Superintendent or designee, the operator of any unmanned aircraft must provide proof of insurance in amounts acceptable to the District upon request, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of the registration, certification, permit, and/or waiver required by the FAA and/or NCDOT to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

### **Use by or under the Direct Supervision of an FAA-Certified Drone Pilot**

An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot, may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the Superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.

An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 (“Part 107”). In addition, if the use of an unmanned aircraft is not solely for hobby or recreational purposes, an FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot also must comply with the training and permit requirements of G.S. 63, art. 10, as applicable.

### **C. Unauthorized Use of Unmanned Aircraft**

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the

general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

#### **D. Guidelines for All Use of Unmanned Aircraft**

##### 1. FAA Safety Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the Superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

- a. The unmanned aircraft must be registered with the FAA and marked with the registration number.
- b. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.
- c. The operator must fly the unmanned aircraft during daylight only and must keep the unmanned aircraft within his or her visual line of sight at all times.
- d. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).
- e. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.
- f. The operator must not fly the unmanned aircraft over people, groups of people, public events, or stadiums full of people, or near emergency response activities.
- g. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.

- h. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

## 2. Other Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the Superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the Board.

- a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the Superintendent or designee immediately upon request by any school system employee.
- b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.
- c. The Superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.
- d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of the Superintendent: (a) students, employees, visitors, or other individuals, (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the Superintendent.
- e. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.
- f. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction)

or indoors at a school-sponsored event off school property is prohibited without the express written approval of the Superintendent or designee.

- g. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest is prohibited.
- h. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.
- i. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

The Superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 107; Federal Aviation Administration, Advisory Circular 91-57B (May 31, 2019), available at [https://www.faa.gov/documentLibrary/media/Advisory\\_Circular/AC\\_91-57B.pdf](https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57B.pdf); Federal Aviation Administration, Advisory Circular 107-2 (June 21, 2016), available at [https://www.faa.gov/uas/resources/policy\\_library/media/AC\\_107-2\\_AFS-1\\_Signed.pdf](https://www.faa.gov/uas/resources/policy_library/media/AC_107-2_AFS-1_Signed.pdf); G.S. 14-7.45, -280.3, -401.24, -401.25; G.S. 15A-300.1, -300.2, -300.3; G.S. 63, art. 10; G.S. 113-295; North Carolina High School Athletic Association, Policy 2.2.3(c) (2019-2020), available at <https://www.nchsaa.org/sites/default/files/attachments/2.2.3%20Facilities.pdf>

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at <https://www.faa.gov/uas/>; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at <https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx>

Adopted: \_\_\_\_\_

## 7550 NAMING FACILITIES

The Board considers naming facilities to be a significant endeavor, since the name of a facility can reflect upon the students, staff, school district and community. The decision to name a school is solely the responsibility of the Board, though the Superintendent may be authorized to develop a recommended process for naming newly constructed schools, or existing or new facilities. No school shall be named for an individual who is living or deceased.

In addition to naming schools, the Board of Education may name or dedicate existing facilities within a school, including, but not limited to, athletic facilities, media centers, auditoriums and specific educational buildings in recognition of an individual living or deceased.

Requests for naming an existing facility shall be made in writing to the Board of Education, care of the Superintendent. The written submission shall include the reasons for the request, as well as contact information for the person(s) making the request and a petition with the names and signatures of at least 50 residents who support the request. The Board may consider all applicable factors in connection with the naming of facilities, including but not limited to the potential costs. The decision to name or re-name a facility does not commit the Board to expend financial resources on signage or related matters.

Legal Reference: [115C-36](#)

Adopted: January 12, 2015

Revised: January 17, 2017; January 14, 2019; \_\_\_\_\_