

TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX
(STUDENT POLICY)

Commented [KMI1]: Proposed Policy 10-400

The ECU Community School 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 ECU Community School 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, in compliance with the University's *Title IX Compliance and Resolution Regulation- Interim*,

A. INQUIRIES ABOUT TITLE IX

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

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

The Title IX Coordinator is:

LaKesha Alston Forbes
Title IX Coordinator
Associate Provost for Equity and Diversity
Office for Equity and Diversity
Old Cafeteria Complex Suite G-406
Monday–Friday; 8:00 a.m.–5:00 p.m.
252-328-6804 www.ecu.edu/oed

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 ECU Community School 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 Antidiscrimination,

Harassment, and Bullying Complaint Procedure (Policy 10-210-P). Employees and applicants may use the process provided in the University's *Notice of Nondiscrimination and Affirmative Action Policy* and the *Resolving Allegations of Discrimination Regulation-Interim*.

The ECU Community School 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 the University's Title IX Compliance and Resolution Regulation and the ECU Community's School Policy on Title IX Conduct and Reporting Process (Policy 10-401). Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with the ECU Community School's Title IX Grievance Process (Policy 10-402), 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 the ECU Community's School Policy on Title IX Conduct and Reporting Process (Policy 10-401) 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 ECU Community School's Title IX Grievance Process (Policy 10-402). Acts of retaliation may also be subject to the Community's School Prohibition Against Retaliation found in Section VI of the Student and Parent Grievances Procedure (Policy 10-212-P).

D. NOTICE OF THE ECU POLICY OF NONDISCRIMINATION BASED ON SEX

The Chancellor 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 Chancellor shall also ensure that the principal 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 References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 et seq.; 34 C.F.R. Part 106; the U.S. Department of Education's rule titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020) (the "Title IX Rule"),

Cross References:

Student and Parent Grievances (Policy 10-212-P)

Antidiscrimination Harassment and Bullying Policy (Policy 10-200)

Antidiscrimination, Harassment, and Bullying Complaint Procedure (Policy 10-210-P)

Policy on Title IX Conduct and Reporting Process (Policy 10-401).

Title IX Grievance Process (Policy 10-402)