

New Hanover County Board of Education

**BOARD OF
EDUCATION TITLE IX** JULY 15, 2019
COMMITTEE MINUTES

3:30 PM

BOARD OF EDUCATION CENTER

MEETING CALLED BY	Dr. Tim Markley, Superintendent
RECORDER	Crystal Buie, Administrative Assistant
BOARD COMMITTEE MEMBERS	Chair Lisa Estep and Member Nelson Beaulieu, Board Representatives
ATTENDEES	Julie Askew, Dawn Brinson, Wayne Bullard, Dr. John Welmers, Kristin Jackson, Patrick McCarty, Dr. Maggie Rollison, Amy Oots, Tanya Jordan, Judy Stubblefield, Jayne Emma, Katrina Creech, Andrea Stough, Amy Feath, Janie Dowda, Robby McGee, Stephanie Kraybill, Dr. Jackie White, Leslie Cohen.

Agenda

Introduction: Welcome

Presented by Board Chair Lisa Estep

Discussion Items:

Presented by Mrs. Estep and Superintendent Dr. Tim Markley

DISCUSSION	<p>Superintendent Dr. Tim Markley called the meeting to order at 3:33 PM. Dr. Markley thanked everyone for attending the meeting. He shared that there were two goals to be completed during the meeting:</p> <ul style="list-style-type: none"> • Finalize the Title IX policies as much as possible so that they can be prepared to go to the Policy Committee • Finalize the Title IX Coordinator job description; the job will be posted for 10-days, interviews will then be conducted and plan to present at the August Board meeting for Board consideration and approval. <p>Dr. Markley turned the meeting over to Board Chair Lisa Estep, who welcomed everyone via Facebook LIVE broadcast. Mrs. Estep shared that she and the Education Subcommittee met earlier with representatives from the following State agencies:</p> <ul style="list-style-type: none"> • North Carolina Coalition Against Domestic Violence • North Carolina Department of Health & Human Services • North Carolina Coalition Against Sexual Assault <p>Janie Dowda with Coastal Horizons gave an overview of the meeting and State representatives that took part.</p> <p>Mrs. Estep shared that the State representatives were excited about the work that the NHCS Title IX Committee and Education Subcommittee were doing. Mrs. Estep also shared that the State representatives noted that there were no other K-12 districts doing this type of work around Title IX; at the collegiate level – yes, though at the K-12 level, NHCS was leading the way and very appreciative of the work that was being done.</p> <p>General Counsel Wayne Bullard shared that he had taken the recommendations from Amber Resetar and made to the policies and also included any additional changes/comments that he had received.</p> <p>Mr. Bullard reviewed the changes/revisions to the two proposed policies –</p> <ul style="list-style-type: none"> • Prohibition Against Discrimination, Harassment and Bullying • Discrimination, Harassment, and Bullying Complaint Process <p>There was a discussion about what to call/how to identify involved parties. Mr. Bullard noted that if perpetrator and victim were used, the word “alleged” would need to be included before both; he recommended to use complainant</p>
-------------------	---

and respondent. There was a discussion about which terms to use. It was noted that the US Department of Ed uses the terms complainant and respondent. The committee agreed to use the terms Complainant and Respondent within the policies. Mr. Bullard noted that there were wording changes, as well as minor changes, though due to time, he highlighted the key changes/additions to the policy, which included the following:

- Make sure that parents/students are aware that the school system has no power over employees and students who are no longer employed by/attend NHCS. Reports would be made to law enforcement for serious misconduct of a sexual nature, though if a student has graduated, the student cannot be suspended and if an employee is no longer employed by the school system, he/she cannot be terminated; Mr. Bullard noted that the former employee had a teaching license, the former employee would be reported to the North Carolina Department of Public Education per State Statute requirement and regulations of certain allegations. It was recommended to include the list of certain allegations by the North Carolina Administrative Code of Regulations within the policy. There was a discussion regarding the definition of school official, and it was recommended to define the term.
- There was a discussion about reviewing the investigation process with the complainant and respondent. It was also noted that the school system does not conduct criminal investigations, and there was a difference between the district's Title IX investigation and related criminal investigation. There was an in depth discussion regarding the reporting process. Once a school official is notified about an alleged incident, law enforcement should be notified within 24 hours and the Title IX process should be implemented with 24 hours. It was noted to be sure to reference "school system/district" investigation/investigator within the policy and reporting form, so that no criminal investigation/investigator is implied.
- Mr. Bullard reviewed that he had included interim measures that the district would administer to support/protect the involved parties while law enforcement conducted its initial investigation into the allegations. Examples of the interim measures may include Stay Away Agreements, counseling, increased campus monitoring, change to class assignments/schedules. There was a discussion about how the district's Title IX investigation would not impede law enforcement's investigation and how the district would work all involved parties to ensure the safety of both the complainant and respondent. There was also a recommendation about keeping all parties notified about the status of the investigation, especially if there are any delays. It was confirmed that all parties were notified of the actions/safety measures that had been put into place.
- Mr. Bullard reviewed changes to policy wording regarding the appeals process about the disciplinary action (student or employee). He noted that the wording he used was from the North Carolina School Boards Association template. He shared that disciplinary action – for student or employee – is initiated by the Superintendent. If the complainant appeals the Superintendent's decision to the Board, the Board cannot totally reverse the Superintendent's decision and find the respondent guilty. The Board can direct for further investigation to occur (if necessary) and take further steps that are consistent within the law for the due process rights of the respondent.

- It was recommended to include within the policy to explain that law enforcement's and the district's outcomes may be different. For instance, law enforcement's investigation may confirm that no criminal act occurred, though the district's Title IX investigation may determine that there may have been Title IX violations, and the district will determine the necessary actions (disciplinary, support, etc.).

Mrs. Estep requested for Mr. Bullard to make the requested changes/revisions that had been discussed and bring those back to the Title IX Policy Subcommittee.

Mrs. Estep requested that due to the interest of time, subcommittee breakout discussions be removed from the agenda. She moved to the next agenda item – Proposed Title IX Supervisor Job Description.

Dr. Markley reviewed the application process. He noted that if any committee member would like to serve on the initial interview panel to please notify Administrative Assistant Crystal Buie. Dr. Markley asked for the committee to please review the Title IX Supervisor Job Description. It was asked if Title IX would be the employee's only responsibility. Dr. Markley confirmed that Title IX would be primary responsibility with the potential of overlapping a little into the district's work around equity. Dr. Markley requested for Mrs. Buie to have Human Resources to post the Title IX Supervisor position tomorrow (July 16, 2019) for 10-days.

Mrs. Estep asked if there was anything else that needed to be cover. There was a request to review the Title IX Supervisor interview timeline. Dr. Markley quickly reviewed – 10-day job posting, then initial interviews, and he would conduct finalists' interviews shortly afterwards with anticipation of bringing recommended candidate to August Board Meeting – August 6th - for consideration and approval.

Mrs. Estep set the next meeting date for Monday, August 12th.

The meeting adjourned at 4:49 PM

NEXT MEETING

AUGUST 12TH, 2019

3:30 PM

Board of Education Center