



# Charlotte-Mecklenburg Schools

Title IX High School Supplemental Quarter 4

# Opt Out Information

Before you begin this lesson, you should have provided your parent/guardian with a copy of the Opt Out Information.

If you have a signed copy of the Opt Out form, provide this to your teacher. If you do not have a signed form, you must complete this training.

# Trigger Warning

This lesson contains sensitive information about sex-based harassment and violence. If you need to break away or talk with someone, please let your teacher know so he/she can get you to the correct resource.

**“How do you know when  
someone is giving  
consent to a  
relationship?”**

# Video



<https://youtu.be/THYs6iMBmcE>

# Video Class Discussion Questions

- What evidence suggests the girl did not consent to all activities with Will?
- Does giving consent to some parts of an intimate activity mean Will has consent to all intimate activity?



# Sexual Violence

How do you know when  
someone is giving consent to a  
relationship?

# Types of Sexual Violence

**Sexual Assault** refers to sexual contact or behavior that occurs without the explicit consent of the victim.

**Intimate Partner Sexual Violence** is when the perpetrator has a relationship with the victim and that includes the role of an intimate partner.

**Drug Facilitated Sexual Assault** occurs when alcohol or drugs are used to compromise an individual's ability to consent to sexual activity.

**Child Sexual Abuse** is a form of child abuse that includes sexual activity with a minor. A child cannot consent to any form of sexual activity.

**Incest** is sexual contact with a family member.

# What is sexual assault?

**Sexual assault** is sexual contact or behavior, often physical, that occurs without the consent of the victim.

Sexual assault can be with force or age difference, such as:

- penetration of the victim's body, also known as rape
- attempted rape
- forcing a victim to perform sexual acts such as oral sex or penetration of the perpetrator's body
- fondling or unwanted sexual touching
- coercion - persuading someone to do something by using force or threats
- pressuring to go further than your comfort level

# Consent and Boundaries

Remember, no one should do anything to you that you are not comfortable with, and they should stop when you tell them to.

**Consent** is giving permission or agreeing to do something.

**Boundaries** are limits we establish between ourselves and other people which can be physical, emotional, or mental and help protect from being used or manipulated.

# Consent Must Be . . .

## Clear and Enthusiastic

- Consent is expressed in verbal and non-verbal ways that are mutually understood.
- The absence of “no” is not a “yes”.
- “I’m not sure,” “I don’t know,” and “maybe” are not consent.
- Silence is not consent.
- Natural physiological response is not consent.

## Coherent

A person in a “vulnerable” position cannot legally give consent. This includes individuals who are underaged, sleeping or under the influence of drugs and/or alcohol.

# Consent Must Be . . .

## On-going

- Consent must be granted at every phase of physically intimate activity, every time.
- Consent for a kiss is not also consent to remove clothes.
- Always ask “Is this okay?”
- Consent to sex once, is not consent for the future.
- Consent can be withdrawn at any point. Example: “I know I said I was ready, and I thought I was, but I think I want to stop now.”

## Without Coercion or Pressure

Consent cannot be obtained under pressure, through psychological or emotional manipulation or physical violence or threat. Example: “If you don’t, I’ll post those pictures you texted me.”

# Laws of Consent

In North Carolina, the **age of consent is 16 years old**. It is always illegal for a student to have a sexual relationship with supervisory or disciplinary authority (teacher, counselor, doctor, school security, school administrator, etc) regardless of age.

## “Romeo and Juliet” law

It is ILLEGAL to have sex with someone with a 4 year age difference if a child is older than 12 and younger than 16. Someone 12 or younger is ALWAYS rape.

examples:

- If a 13 year old has sex with a 17 year old, the 17 year old will be arrested for rape.
- If a 15 year old has sex with a 19 year old, the 19 year old will be arrested for rape.

# Laws of Consent

**Indecent liberties with a minor** includes “making out” with someone under the age of 16 years and 5 years younger than the perpetrator.

## Child Pornography Law

The age for consensual sharing sexually explicit photos/videos is 18 years old. Every state has the same age of consent for pornography.

“Sexually Explicit Conduct” does not have to be “nude”.

## Revenge Porn Law

It is against the law to expose someone/share their nudes/sexual photos or videos without their consent.



# Consequences

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# CMS Code of Student Conduct

**Rule 8 Bullying/Cyberbullying, Profanity, Obscenity and/or Derogatory Language:** Bullying and/or harassing behavior is strictly prohibited in CMS...In addition, as with other disciplinary violations, any manner of bullying that occurs off campus may violate the Code of Student Conduct if it has a direct and immediate impact to the orderly and efficient operation of the school or the safety of individuals in the school environment.

## RESPONSES:

Minimum: Level I Responses

Maximum: Level III Responses (11-30 days long-term suspension)

# CMS Code of Student Conduct

**Rule 22 Pornographic, Profane and/or Violent Material:** A student shall refrain from having or distributing any pornographic or profane material on school property or at school sponsored events, including but not limited to pictures, magazines, electronic text (including air dropping) or images and sexually explicit or graphically violent materials.

## RESPONSES:

Minimum: Level I Responses

Maximum: Long-Term Suspension or Expulsion

# CMS Code of Student Conduct

**Rule 26 Aggressive Physical/Verbal Action:** A student shall not exhibit any form of aggressive physical or verbal action against another student, staff member or any other adult at school.

**RESPONSES:**

Minimum: Level I Responses

Maximum: Long-Term Suspension or Expulsion

# CMS Code of Student Conduct

**Rule 27: Sexual Behavior:** A student shall not engage in any sexual behavior on school property or at a school-sponsored activity.

- A. Mutual Sexual Activity
- B. Offensive Touching
- C. Sexual Harassment
- D. Indecent Exposure
- E. Sexual Battery
- F. Rape and/or Sexual Offense

## RESPONSES:

Minimum: Level II Responses for Secondary (1-10 days short-term suspension)

Maximum: Long Term Suspension or Expulsion

# State Laws and Potential Criminal Violations

**Harassing Phone Calls:** Class 2 misdemeanor, up to 60 days in jail

**Cyberstalking:** Class 2 misdemeanor, up to 60 days in jail

**Sex Offense:** Class B felony rape, sex offense - sexual assaults involving kids and teenagers

**Child Pornography:** Class C through Class H felony

**Stalking:** misdemeanor stalking, between 1-60 days in jail depending on severity

**\*\*\*Levels determine punishment, anywhere from days in jail to years.\*\*\***

**Misdemeanor Offense:** a lesser crime punishable by a fine and/or jail time

**Felony Offense:** a crime punishable by a term of imprisonment by one year or more.



# Bystander Intervention

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# How to be an Active Bystander

Being an **active bystander** means being aware of when someone's behavior is inappropriate or threatening and choosing to challenge it. If you do not feel comfortable doing this directly, then get someone to help you such as a friend or someone in authority.

Research shows that bystander intervention can be an effective way of stopping sexual assault before it happens, as bystanders help prevent, discourage, and/or intervene when an act of violence has the potential to occur.

# ABC Approach for Safe Bystander Intervention

- **Assess for safety:** If you see someone in trouble, ask yourself if you can help safely in any way. Remember, your personal safety is a priority – never put yourself at risk.
- **Be in a group:** It's safer to call out behavior or intervene in a group. If this is not an option, report it to an adult who can act.
- **Care for the victim.** Talk to the person who you think may need help. Ask them if they are OK.

# Bystander Involvement

When it comes to intervening safely, remember the four Ds – direct, distract, delegate, delay.

- **Direct Action**

Call out negative behavior, tell the person to stop or ask the victim if they are OK. Do this as a group if you can. Be polite. Don't aggravate the situation - remain calm and state why something has offended you. Stick to exactly what has happened, don't exaggerate.

- **Distract**

Interrupt, start a conversation with the perpetrator to allow their potential target to move away or have friends intervene. Or come up with an idea to get the victim out of the situation – tell them they need to take a call, or you need to speak to them; any excuse to get them away to safety. Alternatively, try distracting, or redirecting the situation.

# Bystander Involvement

When it comes to intervening safely, remember the four Ds – direct, distract, delegate, delay.

- **Delegate**

If you are too embarrassed or shy to speak out, or you don't feel safe to do so, get someone else to step in. Notify an adult so they can assist.

- **Delay**

If the situation is too dangerous to challenge then and there (such as there is the threat of violence or you are outnumbered) just walk away. Wait for the situation to pass then ask the victim later if they are OK. Or report it when it's safe to do so – it's never too late to act.



# Reporting & Student Rights

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# Rights & Protections

**Supportive measures** will be given to protect and help the complainant as well as the respondent while an investigation occurs.

- Students have the right to speak to a confidential source.
- Students have the right to report the incident to law enforcement.
- Students have the right to submit a complaint to their school's administration.
- Students have the right to have their complaint investigated and resolved in a manner that is PROMPT and EQUITABLE.
- Students have the right to be accompanied by an advisor through the investigation and resolution process.
- Students have the right to access outside medical authorities, crisis counselors or domestic shelters.

# CMS Title IX Grievance Procedures

CMS provides you protection against sex-based harassment. To view your rights and protections, you can view the full **CMS Title IX Grievance Procedures** on the Charlotte Mecklenburg Schools website at

<https://www.cmsk12.org/Page/891>

# Reporting

- Remember, it's not your fault!
- If you see something, say something even if this is not happening to you. If it is happening to someone else, you can report it to help them.
- Reporting does not make you a tattler or snitch.
- It is a CMS Code of Student Conduct rule violation to retaliate against you for reporting.
- If you have experienced unwanted dating abuse, sexual misconduct, sex-based harassment or bullying, then you can get help.
- Knowingly making false reports is a violation of the CMS Code of Student Conduct.

# How Report Sexual Assault or Rape

- 1.** Call 911 or go to an area hospital to report.
- 2.** Tell a trusted adult, school administrator or staff member at your school. Every school has a campus Title IX Liaison.
- 3.** Say Something Reporting  
<https://www.sandyhookpromise.org/say-something-tips/>
- 4.** Contact the CMS Title IX Office District Title IX Coordinator  
Camille Durham  
1400 North Graham Street  
Charlotte, NC 28206  
phone: (980) 343-9900  
email: [titleixcoordinator@cms.k12.nc.us](mailto:titleixcoordinator@cms.k12.nc.us)