

Policy JAA: Equal Educational Opportunities**Butts County Schools****Original Adopted Date:** 02/01/1994 | **Last Revised Date:** 12/09/2014**Status:** ADOPTED**Equal Educational Opportunities**

The Butts County School District does not discriminate on the basis of race, color or national origin, sex or disability in any student program. It is the policy of the Board of Education to comply fully with the requirements of Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act and all accompanying regulations.

Any student, parent or other person who believes he or she or any student has been discriminated against or harassed in violation of this policy must make a complaint in accordance with the procedures outlined below.

COMPLAINTS PROCEDURE

Complaints made to the School District regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI, on the basis of sex in violation of Title IX or on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act will be processed in accordance with the following procedure:

1. Any student, employee, parent or other person with a complaint or report alleging a violation as described above shall promptly notify, in writing or orally, either the principal for his/her school or the appropriate coordinator designated from time to time by the Board of Education [or by the principal]. If the complaint is oral, either the coordinator or school principal to whom the complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is made to a school principal, he or she shall be responsible for notifying the appropriate coordinator of the complaint.
2. If the alleged offending individual is the coordinator or the principal, the complaint shall either be made by the complainant to the Superintendent or, if the complaint is initially made to the school principal, reported by the principal to the Superintendent. If the alleged offending individual is the Superintendent, the complaint shall be made to the designated coordinator, who shall, without further investigation, report the complaint to the Board chairperson.
3. The coordinator or his or her designee shall have fifteen work days to gather all information relevant to the complaint made, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken and copies of this response shall be furnished to the complainant, the appropriate coordinator and the principal or his or her designee.
4. If the complaint is not resolved at the conclusion of this fifteen-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five work days of receiving a copy of the written response, to have the complaint referred to the Superintendent of Schools. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.
5. The Superintendent shall have fifteen work days to review the complaint and the response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the complainant a written response setting forth either his or her approval of the action recommended by the coordinator or designee or the action to be taken by the School District in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken.

6. This policy is not intended to deprive any student or parent of any right they may have to file a complaint under any other applicable policy of the local board or to contact the Office of Civil Rights or other appropriate state or federal agency with regard to any allegations that the School District has violated the statutes described above.
 7. The School District shall be responsible for distributing and disseminating information relevant to this policy and procedure to students, parents and employees through appropriate procedures.
 8. No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.
 9. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible and complies with the law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.
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Proposed Revision

Board Policy

Descriptor Code: JAA

Equal Educational Opportunities

The Butts County School System does not discriminate on the basis of race, color or national origin, sex or disability in any student program or activity. It is the policy of the Board of Education to comply fully with the requirements of Title VI, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and all accompanying regulations.

Any student, applicant for admission, parent or guardian or other person who believes he or she or any student has been discriminated against or harassed in violation of this policy must make a complaint in accordance with the procedures outlined below.

COMPLAINTS PROCEDURE

Complaints made to the Butts County School System regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI, on the basis of sex (except as stated below) in violation of Title IX, or on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973 or the Americans With Disabilities Act will be processed in accordance with the following procedure:

1. a. Any student, applicant for admission, employee, parent or guardian or other person with a complaint or report alleging a violation of Title VI, Section 504, the ADA or Title IX, excluding sexual harassment as described in 1b, shall promptly notify, in writing or orally, either the principal for his/her school or the appropriate coordinator designated by the school principal or the District. If the report or complaint is oral, either the coordinator or school principal to whom the report or complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is made to a school principal, he or she shall be responsible for notifying the appropriate coordinator of the complaint. Reports or complaints other than those described in 1b shall be handled in accordance with the procedures starting in 2.
 - b. Any person with a complaint or report alleging sexual harassment as defined in Policy JCAC (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), may report, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator on the District's website, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. Such reports will be handled in accordance with the procedures and grievance process specified in Policy JCAC.
2. If the alleged offending individual is the coordinator or the principal, the complaint shall either be made by the complainant to the Superintendent or, if the complaint is initially made to the school principal, reported by the principal to the Superintendent. If the alleged offending individual is the Superintendent, the complaint shall be made to the designated coordinator, who shall, without further investigation, report the complaint to the Board chairperson.
3. The coordinator or his or her designee shall have fifteen school days to gather all information relevant to the report or complaint made, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a

written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken and copies of this response shall be furnished to the complainant, the appropriate coordinator and the principal or his or her designee.

4. If the complaint is not resolved at the conclusion of this fifteen-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five school days of receiving a copy of the written response, to have the complaint referred to the Superintendent of Schools. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.
5. The Superintendent shall have fifteen school days to review the complaint and the response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the complainant a written response setting forth either his or her approval of the action recommended by the coordinator or designee or the action to be taken by the Butts County School System in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken.
6. This policy is not intended to deprive any student or parent of any right they may have to file a complaint under any other applicable policy of the local board or to contact the Office for Civil Rights or other appropriate state or federal agency with regard to any allegations that the Butts County School System has violated the statutes described above.
7. The Butts County School System shall be responsible for distributing and disseminating information relevant to this policy and procedure to students, parents and employees through appropriate procedures.
8. No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.
9. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible and complies with the law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.

Contact information for the following coordinators is available on the District's website.

Title IX

Title VI

Section 504

ADA

Policy JCAC: Sexual Harassment of Students**Butts County Schools****Original Adopted Date:** 08/04/2003 | **Last Revised Date:** 12/09/2014**Status:** ADOPTED**Harassment**

It is the policy of this School District to prohibit any act of harassment of students by other students or employees based upon race, color, national origin, sex, or disability at all times and during all occasions while at school, in the workplace or at any school event or activity. Any such act by a student or employee shall result in prompt and appropriate discipline, including the possible termination of employment or suspension or expulsion of the student.

Sexual harassment may include conduct or speech which entails unwelcome sexual advances, requests for sexual favors, taunts, threats, comments of a vulgar or demeaning nature, demands or physical contact which creates a hostile environment. There may be other speech or conduct which employees or students experience as inappropriate or illegal harassment which should also be reported; harassment can take many forms and it is not possible to itemize every aspect of the harassment forbidden by this policy.

Any student, parent, employee, or other individual who believes that a student has been subjected to harassment or discrimination by other students or employees of the School District as prohibited by this policy should promptly report the same to the principal of their school or to the appropriate coordinator designated in policy JAA, who will implement the board's discriminatory complaints procedures as specified in that policy. Students may also report harassment or discrimination to their school counselor or any administrator. Students and employees will not be subjected to retaliation for reporting such harassment or discrimination. If at any point in the investigation of reported sexual harassment of a student, the coordinator or designee determines that the reported harassment should more properly be termed abuse, the reported incident or situation shall be referred pursuant to the established protocol for child abuse investigation.

It is the duty of all employees to promptly report harassment forbidden by this policy. All supervisors will instruct their subordinates as to the content of this policy and, through appropriate professional learning activities, enlighten employees as to the varied forms or expression of prohibited harassment. The principals of all schools shall ensure that students and parents are informed through student handbooks and verbally that such harassment is strictly forbidden, how it is to be reported and the consequences for violating this policy.

Proposed Revision

Board Policy

Descriptor Code: JCAC

Sexual Harassment of Students

The intent of this policy is to comply with the Title IX federal regulations concerning sexual harassment. To the extent that additional requirements are specified in federal law or regulations, the Butts County School System shall comply with such requirements.

DEFINITIONS

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the Butts County School System's Title IX Coordinator or to any official or employee of the District. This notice requirement is not met when the only Butts County School System official or employee with actual knowledge is the respondent.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment. If the complainant is under the age of 18, the parent or legal guardian can file a complaint and act on behalf of the student.

Days for the purpose of this policy means "school days."

Deliberately indifferent means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a Butts County School System education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in the District's nondiscrimination notice posted on its website. As used in this policy, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the Butts County School System conditioning the provision of a District aid, benefit, or service 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 District's education program or activity; or
3. "Sexual assault"- an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation; or

"Dating Violence"- sex-based violence committed by a person-

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship; or

"Domestic Violence"- sex-based violence which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

"Sex-based Stalking" - engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

Supportive measures means 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 recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. The Butts County School System shall presume that the respondent is not responsible

for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The grievance process will be followed before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Butts County School System shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

NONDISCRIMINATION POLICY

It is the policy of the Board of Education to comply fully with the requirements of state law, Title IX and its accompanying regulations.

The Butts County School System prohibits discrimination based on sex and sexual harassment of students by other students, employees, volunteers or others over whom the District has authority in any District education program or activity. Education program or activity includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

The Butts County School System shall respond promptly in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment against a person in an education program or activity.

The Butts County School System shall require that any individual designated and authorized as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Butts County School System shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including questioning, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The Butts County School System shall ensure that decision-makers receive training on any technology to be used during questioning, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The Butts County School System also shall ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall not rely on sex stereotypes and shall promote impartial investigations and adjudications of formal complaints of sexual harassment.

Reports or complaints made to the Butts County School System regarding alleged sexual harassment in violation of Title IX shall be processed in accordance with the following process:

GRIEVANCE PROCESS

1. Reports or complaints may be verbal or written and may be made at any time (including during non-business hours), in person, by mail, by telephone, or by electronic mail using the contact information posted on the school and/or district website.
2. Any student, employee, parent or other person wishing to report or file a complaint alleging a violation as described above shall promptly notify either the principal or counselor at his/her school or the Title IX Coordinator designated and authorized by the District. Any employee who receives information from a student alleging sexual harassment shall report it to the principal or Title IX Coordinator. If the alleged offending individual is the principal, the report or complaint should be made by the complainant to

the Title IX Coordinator.

3. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures as defined in this policy, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Butts County School System shall treat complainants and respondents equitably by following this grievance process before punishing the respondent or providing remedies to the complainant. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services described as "supportive measures." However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

4. Formal Complaint:

Upon receipt of a formal complaint, the Butts County School System shall within 10 days provide the following written notice to the parties who are known:

(A) Notice of the Butts County School System's grievance process;

(B) Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice shall include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. The notice shall describe the range of or list the possible disciplinary sanctions and remedies that the Butts County School System may implement following any determination of responsibility.

(C) If, in the course of an investigation, the Butts County School System decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to paragraph (4)(B), the Butts County School System shall provide notice of the additional allegations to the parties whose identities are known.

5. Dismissal of a formal complaint.

The Butts County School System shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined herein even if proved or did not occur in the District's education program or activity or in the United States, then the District shall dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the District's code of conduct.

(A) The Butts County School System may dismiss the formal complaint or any allegations therein, if at any time during the investigation: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

(B) Upon a dismissal required or permitted pursuant to paragraph (5), the Butts County School System shall promptly send written notice of and reason(s) for the dismissal simultaneously to the parties.

6. Consolidation of formal complaints.

The Butts County School System may consolidate formal complaints as to allegations of sexual harassment 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. Where a grievance process involves more than one complainant or more than one respondent, references to the singular "party," "complainant," or "respondent" include the plural, as applicable.

7. Investigation of a formal complaint.

After providing written notice to the parties of the receipt of a formal complaint, the Butts County School System shall have 15 days to investigate. When investigating a formal complaint and throughout the grievance process, the Butts County School System shall—

(A) Assume the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility and not place such burdens on the parties provided that the District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so;

(B) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(C) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(D) Provide the parties with the same opportunities 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, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(E) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;

(F) Provide both parties an equal opportunity to inspect and review any non-privileged evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the Butts County School System shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Butts County School System shall make all such evidence subject to the parties' inspection and review available at any meeting to give each party equal opportunity to refer to such evidence during the meeting, including for purposes of cross-examination; and

(G) Create within 5 days an investigative report that fairly summarizes relevant evidence, and at least 10 days prior to the determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

(H) If at any point in the investigation of reported sexual harassment of a student, the investigator determines that the reported harassment should more properly be termed abuse, the reported incident or situation shall be referred pursuant to the established protocol for child abuse investigation. Reported sexual harassment determined not to be sexual harassment as defined under Title IX may be investigated in accordance with Policy JAA.

8. Questions.

After the Butts County School System has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) shall afford a 10 day period for each party to have the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are 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 prior sexual behavior with respect to the respondent and are offered to prove consent. The Butts County School System shall not 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. The decision-maker(s) shall explain to the party proposing the questions any decision to exclude a question as not relevant.

9. Determination regarding responsibility.

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), shall, within 10 days of the conclusion of the question and answer period, issue a written determination regarding responsibility. To reach this determination, the Butts County School System shall apply the preponderance of the evidence standard of evidence to formal complaints against students, to formal complaints against employees and to all complaints of sexual harassment.

The written determination shall include—

- (A) Identification of the allegations potentially constituting sexual harassment as defined in this policy;
- (B) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- (C) Findings of fact supporting the determination;
- (D) Conclusions regarding the application of the Butts County School System's code of conduct to the facts;
- (E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- (F) The Butts County School System's procedures and permissible bases for the complainant and respondent to appeal.
- (G) The Butts County School System shall provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- (H) The Title IX Coordinator is responsible for effective implementation of any remedies.

10. **Appeals.**

The Butts County School System shall offer both parties 10 days after a decision for an appeal from a determination regarding responsibility, and from a District's dismissal of a formal complaint or any allegations therein, on the following bases:

- (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; and

(C) The Title IX Coordinator, investigator(s), or decision-maker(s) 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) As to all appeals, the Butts County School System shall:

(i) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

(ii) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;

(iii) Ensure that the decision-maker(s) for the appeal complies with the training standards set forth in this policy;

(iv) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;

(v) Issue a written decision describing the result of the appeal and the rationale for the result; and

(vi) Provide the written decision simultaneously to both parties within 10 days of the receipt of the appeal.

11. **Informal resolution.**

The Butts County School System shall not require as a condition of enrollment or continuing enrollment or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy. Similarly, the District shall not require the parties to participate in an informal resolution process and shall not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District—

(A) Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that 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, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(B) Obtains the parties' voluntary, written consent to the informal resolution process; and

(C) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

12. **Recordkeeping.**

The Butts County School System shall maintain for a period of seven years records of—

(A) Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;

(B) Any appeal and the result therefrom;

(C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Butts County School System shall make these training materials publicly available on its website, or if the District does not maintain a website, shall make these materials available upon request for inspection by members of the public.

(i) For each response required under the District's process for responding to a sexual harassment formal complaint, the Butts County School System shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the Butts County School System shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the Butts County School System does not provide a complainant with supportive measures, then the District shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

13. **Confidentiality.**

The Butts County School System shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by federal or state law or regulations, or to carry out the purposes of Title IX requirements, including the conduct of any investigation or judicial proceeding arising thereunder.

14. **Retaliation Prohibited.**

(A) No District or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex

discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed in accordance with the procedures specified in Policy JAA.

(B) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under subparagraph (a).

(C) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under subparagraph (a); provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

15. Time Frame.

The Butts County School System shall allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

NOTICE:

The Butts County School System is required by Title IX and its implementing regulations to notify employees, students, parents or legal guardians, applicants for admission and employment, and professional organizations holding professional agreements with the District that the District does not discriminate on the basis of sex in the operation of its education programs or activities, including admissions and employment.

Contact information for the District's Title IX Coordinator is located on its website and in all handbooks or catalogs that the District makes available to employees, students, parents or legal guardians, applicants for admission and employment, and professional organizations holding professional agreements with the District.

Inquiries about Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or both.

Policy GAAA: Equal Opportunity Employment**Butts County Schools****Original Adopted Date:** 02/01/1994 | **Last Revised Date:** 12/09/2014**Status:** ADOPTED**Equal Opportunity Employment**

The Butts County School District does not discriminate on the basis of race, color, national origin, religion, age, disability, or sex in its employment practices. It is the policy of the Board of Education to comply fully with the requirements of Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and all accompanying regulations.

Any employee, applicant for employment, or other person who believes he or she has been discriminated against or harassed in violation of this policy must make a complaint in accordance with the procedures outlined below.

COMPLAINTS PROCEDURE

Complaints made to the School District regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI; religion or sex in violation of Title VII; sex in violation of Title IX; disability in violation of Section 504 or the ADA, or on the basis of age in violation of the ADEA, will be processed in accordance with the following procedure:

1. Any employee, applicant for employment, or other person with a complaint alleging a violation as described above shall promptly notify, in writing or orally, either the principal for his/her school or the appropriate coordinator designated from time to time by the Board of Education. If the complaint is oral, either the coordinator or school principal to whom the complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is made to a school principal, he or she shall be responsible for notifying the appropriate coordinator of the complaint.
2. If the alleged offending individual is the coordinator designated by the Board of Education, the complaint shall either be made by the complainant to the Superintendent or, if the complaint is initially made to the school principal, reported by the principal to the Superintendent. If the alleged offending individual is the Superintendent, the complaint shall be made to the designated coordinator, who shall, without further investigation, report the complaint to the Board chairperson.
3. The coordinator or his or her designee shall have fifteen work days to gather all information relevant to the complaint made, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken and copies of this response shall be furnished to the complainant, the appropriate coordinator and the Superintendent or his or her designee.
4. If the complaint is not resolved at the conclusion of this fifteen-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five work days of receiving a copy of the written response, to have the complaint referred to the Superintendent of Schools. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.
5. The Superintendent shall have fifteen work days to review the complaint and the response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the complainant a written response setting forth either his or her approval of the action recommended by the coordinator or designee or the action to be taken by the School District in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken.
6. If the complainant is dissatisfied with the response of the Superintendent, then the complainant shall have the

right, within fifteen work days of the receipt of the written response of the Superintendent, to have the complaint referred to the Board of Education. In order to have the Board review the Superintendent's decision, the complainant must file with the Superintendent a written statement setting forth the reasons he or she disagrees with the response of the Superintendent and the action the complainant is requesting the School District to take. The complainant shall also include in the written response a request that his or her complaint be referred to the Board of Education.

7. Within thirty work days of receipt of the written request of the complainant, the Superintendent shall present the matter to the Board of Education at its regular meeting or at a special meeting called for that purpose. The Board shall review the original complaint, the response of the coordinator or designee, the response of the Superintendent, and the response of the complainant. In addition, the Board may, but is not required to, hear directly from any individuals with knowledge of any relevant facts relating to the complaint.
 8. The Board of Education will either uphold the recommendation of the Superintendent or require the School District to take some other action in response to the complaint. A copy of the action of the Board will be furnished to the complainant, either as a part of the minutes of the Board of Education or as a separate written statement. The Board shall be the final reviewing authority within the School District.
 9. This policy is not intended to deprive any employee of any right they may have to file a grievance pursuant to any other policy of the local Board of Education, specifically the policy designed to implement Official Code of Georgia Annotated 20-2-989.5, where appropriate. This policy is not intended to provide an alternative process for resolving evaluation and employment disputes where there already exists a due process procedure mandated by state law or State Department of Education regulations, specifically including, but not limited to, hearings to be conducted pursuant to the Fair Dismissal Act of Georgia. The complainant retains at all times the right to contact the Office of Civil Rights, the Equal Employment Opportunity Commission or any other appropriate state or federal agency with regard to any allegations that the system has violated the statutes described above.
 10. The School District shall be responsible for distributing and disseminating information relevant to this policy and procedure to employees through appropriate procedures.
 11. No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.
 12. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible and in compliance with law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.
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Equal Opportunity Employment

The Butts County School System does not discriminate on the basis of race, color, national origin, religion, age, disability, or sex in its employment practices. It is the policy of the Board of Education to comply fully with the requirements of Title VI, Title VII, Title IX, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA) and all accompanying regulations.

Any employee, applicant for employment, or other person who believes he or she has been discriminated against or harassed in violation of the laws specified below must make a complaint in accordance with the procedure outlined below.

COMPLAINTS PROCEDURE

Complaints made to the Butts County School System regarding alleged discrimination or harassment on the basis of race, color or national origin in violation of Title VI; sex (except as stated below) in violation of Title IX; religion in violation of Title VII; disability in violation of Section 504 or the ADA, or age in violation of the ADEA, will be processed in accordance with the following procedure:

1. (a) Any employee, applicant for employment, or other person with a complaint or report alleging a violation as described above, excluding sexual harassment as defined in 1b, shall promptly notify, in writing or orally, either the principal for his/her school or the appropriate coordinator designated by the school principal or the District. If the report or complaint is oral, either the coordinator or school principal to whom the complaint is made shall promptly prepare a memorandum or written statement of the complaint as made to him or her by the complainant and shall have the complainant read and sign the memorandum or statement if it accurately reflects the complaint made. If the complaint is made to a school principal, he or she shall be responsible for notifying the appropriate coordinator of the complaint. Reports or complaints other than those described in 1b shall be handled in accordance with the procedures starting in 2.

(b) Any person with a complaint or report alleging sexual harassment as defined in Policy GAEB (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment), may report, in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator on the District's website, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. Such reports will be handled in accordance with the procedures and grievance process specified in Policy GAEB.
2. If the alleged offending individual is the coordinator, the complaint shall either be made by the complainant to the Superintendent or, if the complaint is initially made to the school principal, reported by the principal to the Superintendent. If the alleged offending individual is the Superintendent, the complaint shall be made to the designated coordinator, who shall, without further investigation, report the complaint to the Board chairperson.
3. The coordinator or his or her designee shall have fifteen school days to gather all information relevant to the complaint made, review the information, determine the facts relating to the complaint, review the action requested by the complainant, and attempt to resolve the complaint with the complainant and any other persons involved. The coordinator or designee shall prepare a written response to the complaint detailing any action to be taken in response to the complaint and the time frame in which such action will be taken and copies of this response shall be furnished to

the complainant, the appropriate coordinator and the principal or his or her designee.

4. If the complaint is not resolved at the conclusion of this fifteen-day period or if the complainant is not satisfied with the resolution of the complaint, the complainant shall have the right, within five school days of receiving a copy of the written response, to have the complaint referred to the Superintendent of Schools. If the alleged offending individual is the Superintendent, the complainant may have the complaint referred to the Board of Education, rather than the Superintendent.
5. The Superintendent shall have fifteen school days to review the complaint and the response of the coordinator or designee and attempt to resolve the complaint. The Superintendent shall furnish to the complainant a written response setting forth either his or her approval of the action recommended by the coordinator or designee or the action to be taken by the Butts County School System in response to the complaint in lieu of that recommended by the coordinator or designee and the time frame in which such action shall be taken. The decision of the Superintendent shall be final.
6. This policy is not intended to deprive any employee of any right they may have to file a grievance pursuant to any other policy of the local Board of Education, specifically the policy designed to implement Official Code of Georgia Annotated 20-2-989.5, where appropriate. This policy is not intended to provide an alternative process for resolving evaluation and employment disputes where there already exists a due process procedure mandated by state law or State Department of Education regulations, specifically including, but not limited to, hearings to be conducted pursuant to the Fair Dismissal Act of Georgia. The complainant retains at all times the right to contact the Office of Civil Rights, the Equal Employment Opportunity Commission or any other appropriate state or federal agency with regard to any allegations that the Butts County School System has violated the statutes described above.
7. The Butts County School System shall be responsible for distributing and disseminating information relevant to this policy and procedure to employees through appropriate procedures.
8. No reprisal shall occur as a result of reporting unlawful discrimination or harassment under this policy, and any attempt to retaliate against a complainant shall be disciplined as is appropriate.
9. The confidentiality of any individual making a complaint or report in accordance with this policy, to the extent it is reasonably possible and complies with the law, shall be protected, although the discovery of the truth and the elimination of unlawful harassment shall be the overriding consideration.

Contact information for the following coordinators is available on the District's website.

Title VI

Title VII

Title IX

Section 504

ADA

IDEA

Policy GAEB: Sexual Harassment of Employees**Butts County Schools****Original Adopted Date:** 08/04/2003 | **Last Revised Date:** 12/09/2014**Status:** ADOPTED**Harassment**

It is the policy of this School District to prohibit any act of harassment of employees by other employees based upon race, color, national origin, sex, religion, age or disability at all times and during all occasions while at school, in the workplace or at any school event or activity. Any such act shall result in prompt and appropriate discipline, including the possible termination of employment.

Sexual harassment may include conduct or speech which entails unwelcome sexual advances, requests for sexual favors, taunts, threats, comments of a vulgar or demeaning nature, demands or physical contact which creates a hostile environment. There may be other speech or conduct which employees experience as inappropriate or illegal harassment which should also be reported; harassment can take many forms and it is not possible to itemize every aspect of the harassment forbidden by this policy.

Any employee or applicant for employment who believes he or she has been subjected to harassment or discrimination as prohibited by this policy should promptly report the same to the principal of their school or to the appropriate coordinator designated in policy GAAA, who will implement the board's discriminatory complaints procedures as specified in that policy. Employees will not be subjected to retaliation for reporting such harassment or discrimination.

It is the duty of all employees to promptly report harassment forbidden by this policy. All supervisors will instruct their subordinates as to the content of this policy and, through appropriate professional learning activities, enlighten employees as to the varied forms or expression of prohibited harassment. The principals of all schools shall ensure that employees are informed through handbooks, training materials and verbally that such harassment is strictly forbidden, how it is to be reported and the consequences for violating this policy.

Sexual Harassment of Employees

The intent of this policy is to comply with the Title IX federal regulations concerning sexual harassment. To the extent that additional requirements are specified in federal law or regulations, the Butts County School System shall comply with such requirements.

DEFINITIONS

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or to any official or employee of the Butts County School System. This notice requirement is not met when the only District official or employee with actual knowledge is the respondent.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Days for the purpose of this policy means "school days."

Deliberately indifferent means a response to sexual harassment that is clearly unreasonable in light of the known circumstances.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a District education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator in the District's nondiscrimination notice posted on its website. As used in this policy, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this policy.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the Butts County School System conditioning the provision of a District aid, benefit, or service 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 District's education program or activity; or

3. "Sexual assault"- an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation; or

"Dating Violence"- sex-based violence committed by a person-

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship; or

"Domestic Violence"- sex-based violence which includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

"Sex-based Stalking" - engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

(A) fear for his or her safety or the safety of others; or

(B) suffer substantial emotional distress.

Supportive measures means 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 recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. The Butts County School System shall presume that the respondent is not responsible

for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The grievance process will be followed before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Butts County School System shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

NONDISCRIMINATION POLICY

It is the policy of the Board of Education to comply fully with the requirements of state law, Title IX and its accompanying regulations.

The Butts County School System prohibits discrimination based on sex and sexual harassment of employees by other employees, board members, students, volunteers, or others over whom the District has authority in any District education program or activity. Education program or activity includes locations, events, or circumstances over which the District exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

The Butts County School System shall respond promptly in a manner that is not deliberately indifferent when it has actual knowledge of sexual harassment against a person in an education program or activity.

The Butts County School System shall require that any individual designated and authorized as a Title IX Coordinator, investigator, decision-maker, or any person designated to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The Butts County School System shall ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will receive training on the definition of sexual harassment, the scope of the District's education program or activity, how to conduct an investigation and grievance process including questioning, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. The District shall ensure that decision-makers receive training on any technology to be used during questioning, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The Butts County School System also shall ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, shall not rely on sex stereotypes and shall promote impartial investigations and adjudications of formal complaints of sexual harassment.

Reports or complaints made to the Butts County School System regarding alleged sexual harassment in violation of Title IX shall be processed in accordance with the following process:

GRIEVANCE PROCESS

1. Reports or complaints may be verbal or written and may be made at any time (including during non-business hours), in person, by mail, by telephone, or by electronic mail using the contact information posted on the school and/or district website.
2. Any employee, applicant for employment, or other person wishing to report or file a complaint alleging a violation as described above shall promptly notify either the principal at his/her school or the Title IX Coordinator designated and authorized by the District. Any employee who receives information alleging sexual harassment of an employee shall report it to the principal or Title IX Coordinator. If the alleged offending individual is the principal, the report or complaint should be made by the complainant to the Title IX Coordinator.
3. The Title IX Coordinator shall promptly contact the complainant to discuss the availability of supportive measures as defined in this policy, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive

measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Butts County School System shall treat complainants and respondents equitably by following this grievance process before punishing the respondent or providing remedies to the complainant. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Such remedies may include the same individualized services described as "supportive measures." However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

4. Formal Complaint.

Upon receipt of a formal complaint, the Butts County School System shall within 10 days provide the following written notice to the parties who are known:

(A) Notice of the Butts County School System's grievance process;

(B) Notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice shall include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice shall inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence. The written notice shall inform the parties of any provision in the employee code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. The notice shall describe the range of or list the possible disciplinary sanctions and remedies that the District may implement following any determination of responsibility.

(C) If, in the course of an investigation, the District decides to investigate allegations about the complainant or respondent that are not included in the notice provided pursuant to paragraph (4)(B), the District shall provide notice of the additional allegations to the parties whose identities are known.

5. Dismissal of a formal complaint.

The Butts County School System shall investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment as defined herein even if proved or did not occur in the District's education program or activity or in the United States, then the District shall dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the District's policies.

(A) The Butts County School System may dismiss the formal complaint or any allegations therein, if at any time during the investigation: A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a

determination as to the formal complaint or allegations therein.

(B) Upon a dismissal required or permitted pursuant to paragraph (5), the District shall promptly send written notice of and reason(s) for the dismissal simultaneously to the parties.

6. Consolidation of formal complaints.

The Butts County School System may consolidate formal complaints as to allegations of sexual harassment 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. Where a grievance process involves more than one complainant or more than one respondent, references to the singular "party," "complainant," or "respondent" include the plural, as applicable.

7. Investigation of a formal complaint.

After providing written notice to the parties of the receipt of a formal complaint, the Butts County School System shall have 15 days to investigate. When investigating a formal complaint and throughout the grievance process, the District shall—

(A) Assume the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility and not place such burdens on the parties provided that the District cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so;

(B) Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

(C) Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

(D) Provide the parties with the same opportunities 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, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

(E) Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;

(F) Provide both parties an equal opportunity to inspect and review any non-privileged evidence obtained as part of the investigation that is directly related to the allegations

raised in a formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the District shall send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Butts County School System shall make all such evidence subject to the parties' inspection and review available at any meeting to give each party equal opportunity to refer to such evidence during the meeting, including for purposes of cross-examination; and

(G) Create within 5 days an investigative report that fairly summarizes relevant evidence, and at least 10 days prior to the determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

(H) Reported sexual harassment determined not to be sexual harassment as defined under Title IX may be investigated in accordance with Policy GAAA.

8. Questions.

After the Butts County School System has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker(s) shall afford a 10 day period for each party to have the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are 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 prior sexual behavior with respect to the respondent and are offered to prove consent. The Butts County School System shall not 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. The decision-maker(s) shall explain to the party proposing the questions any decision to exclude a question as not relevant.

9. Determination regarding responsibility.

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), shall, within 10 days of the conclusion of the question and answer period, issue a written determination regarding responsibility. To reach this determination, the District shall apply the preponderance of the evidence standard of evidence to formal complaints against students, to formal complaints against employees and to all complaints of sexual harassment.

The written determination shall include—

(A) Identification of the allegations potentially constituting sexual harassment as defined in this policy;

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

(C) Findings of fact supporting the determination;

(D) Conclusions regarding the application of the Butts County School System's policies to the facts;

(E) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and

(F) The Butts County School System's procedures and permissible bases for the complainant and respondent to appeal.

(G) The Butts County School System shall provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

(H) The Title IX Coordinator is responsible for effective implementation of any remedies.

10. **Appeals.**

The Butts County School System shall offer both parties 10 days after a decision for an appeal from a determination regarding responsibility, and from a District's dismissal of a formal complaint or any allegations therein, on the following bases:

(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; and

(C) The Title IX Coordinator, investigator(s), or decision-maker(s) 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) As to all appeals, the Butts County School System shall:

(i) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

- (ii) Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- (iii) Ensure that the decision-maker(s) for the appeal complies with the training standards set forth in this policy;
- (iv) Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- (v) Issue a written decision describing the result of the appeal and the rationale for the result; and
- (vi) Provide the written decision simultaneously to both parties within 10 days of the receipt of the appeal.

11. Informal resolution.

The Butts County School System shall not require as a condition of employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with this policy. Similarly, the Butts County School System shall not require the parties to participate in an informal resolution process and shall not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the District may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the District—

(A) Provides to the parties a written notice disclosing: The allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that 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, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

(B) Obtains the parties' voluntary, written consent to the informal resolution process.

12. Recordkeeping.

The Butts County School System shall maintain for a period of seven years records of—

(A) Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity;

(B) Any appeal and the result therefrom;

(C) Any informal resolution and the result therefrom; and

(D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Butts County School System shall make these training materials publicly available on its website, or if the District does not maintain a website, shall make these materials available upon request for inspection by members of the public.

(i) For each response required under the District's process for responding to a sexual harassment formal complaint, the District shall create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a complainant with supportive measures, then the District shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

13. Confidentiality.

The Butts County School System shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by federal or state law or regulations, or to carry out the purposes of Title IX requirements, including the conduct of any investigation or judicial proceeding arising thereunder.

14. Retaliation Prohibited.

(a) No District or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under Title IX. Intimidation, threats, coercion, or discrimination, including charges against an individual for employee code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed in accordance with the procedures specified in Policy GAAA.

(b) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under subparagraph (a).

(c) Charging an individual with an employee code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this

policy does not constitute retaliation prohibited under subparagraph(a); provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

15. Time Frame.

The Butts County School System shall allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

NOTICE:

The Butts County School System is required by Title IX and its implementing regulations to notify employees, students, parents or legal guardians, applicants for admission and employment, and professional organizations holding professional agreements with the District that the District does not discriminate on the basis of sex in the operation of its education programs or activities, including admissions and employment.

Contact information for the District's Title IX Coordinator is located on its website and in all handbooks or catalogs that the District makes available to employees, students, parents or legal guardians, applicants for admission and employment, and professional organizations holding professional agreements with the District.

Inquiries about Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, to the Assistant Secretary of the U.S. Department of Education, or both.