

Southwest Georgia STEM Charter School
Policy S6: DISCRIMINATION BASED ON SEX (STUDENTS)
Adopted: September 17, 2020

It is the policy of Southwest Georgia STEM Charter School (“School”) to maintain a learning environment that is free from sex discrimination, including sexual harassment. It shall be a violation of this policy for any member of the School staff to harass a student through conduct or communications of a sexual nature as defined below. It shall also be a violation of this policy for students to harass other students or any school employees through conduct or communications of a sexual nature as defined below.

Pursuant to the federal regulations implementing Title IX published in 2020, any complaint involving “sexual harassment” as defined by those federal regulations that occurs in an education program or activity against a person in the United States shall be addressed pursuant to the School Title IX Grievance Policy set out below and the District’s Title IX Grievance Procedure

Inquiries about the application of Title IX may be directed to the Assistant Secretary of the Office for Civil Rights, United States Department of Education, or to the following:

Ginger Almon - Title IX Coordinator for Student Matters
School Leader
185 Pecan St., Shellman, GA 39886
229.345.3033
galmon@sowegastemcharter.org

Ginger Almon - Title IX Coordinator for Employee Matters
School Leader
185 Pecan St., Shellman, GA 39886
229.345.3033
galmon@sowegastemcharter.org

DEFINITION OF PROHIBITED CONDUCT

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

- A. Such conduct unreasonably interferes with a student's educational performance or creates an intimidating, hostile or offensive educational environment;

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- B. Submission to such conduct is made a term or condition of a student's educational opportunities or development; or
- C. Submission to or rejection of such conduct by a student is used as a basis for education decisions affecting the student.

Examples of prohibited conduct include, but are not limited to, offensive or unwelcome sexual advances or propositions; unwelcome intentional touching of intimate body areas; dating of a student by an employee; verbal abuse of a sexual nature; graphic or degrading verbal comments about an individual or his/her physical attributes; the display of sexually suggestive objects, pictures, cards or letters; lewd or suggestive comments or gestures, off-color language or jokes of a sexual nature in the presence of a student.

Sexual harassment may occur in a variety of circumstances, including but not limited to, the following:

- A. The victim as well as the harasser may be male or female. The victim does not have to be of the opposite sex.
- B. The harasser may be an employee of the School System, a non-employee, or another student.
- C. Sexual harassment may occur without economic or academic injury to the victim.

REPORTING SEXUAL HARASSMENT:

- A. Incidents of sexual harassment should be reported as soon as possible so that prompt corrective action may be taken if warranted, and no later than 30 days after the incident.
- B. The report should be made or forwarded to the appropriate Title IX Coordinator/ Investigator at the address and telephone number stated above.
- C. The initial report of the incident may be made in person, by telephone or in writing.
- D. The Title IX investigator will discuss the matter with the student complainant and/or the student's parent/guardian at the earliest practical time in order to secure the details and circumstances giving rise to the complaint. At the meeting, the procedure for investigating the situation will be explained and the student or parent/guardian will be provided with a complaint form to complete and sign. A sample complaint form, calling for a detailed description of the incident(s) giving rise to the complaint, will be provided by the Compliance Coordinator or designee.

Southwest Georgia STEM Charter School
Policy S6: DISCRIMINATION BASED ON SEX (STUDENTS)
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- E. Filing a complaint under this procedure does not prevent the student from also pursuing other remedies available under the law.

INVESTIGATION

- A. The Title IX Coordinator shall conduct an investigation of the complaint. Such investigation shall include interviews with the accused party or parties, interviews with any witnesses, and an examination of any relevant documents or other evidence. In appropriate circumstances, school officials may request relevant medical records or other documentation from the student.
- B. An investigation should be completed within a reasonable time period, but no more than 60 days from the initial report of the incident to the Title IX Coordinator.
- C. At the conclusion of the investigation, the Title IX Coordinator or designee shall prepare a written report that sets forth the findings of the investigation and the evidence in support of the findings. A copy of the report will be available to the student making the complaint or the student's parent/guardian, but will not include information on other students protected by federal or state privacy laws. A copy of the report shall be transmitted to the Title IX Decision Maker.

RESOLUTION OF THE COMPLAINT:

- A. Both parties shall have the right to submit written questions of the other side or a witness during the formal grievance process.
- B. If it is determined that sexual harassment occurred, the Title IX Decision Maker shall recommend appropriate corrective and disciplinary action to prevent a recurrence of the harassment.
- C. Appropriate corrective and disciplinary actions may include, but are not limited to, reprimand, suspension, non-renewal or termination of an employee offender or the suspension or expulsion of a student offender. Appropriate procedures will be followed where required by law.

APPEAL PROCESS

- A. Either party shall have the right to appeal to the School Leader on a limited basis. An appeal is only allowed if the party assert on appeal that:
 - a. A procedural irregularity that affected the outcome of the matter;

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Policy S6: DISCRIMINATION BASED ON SEX (STUDENTS)
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- b.* New evidence that was not reasonably available to the appealing party 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, 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.* The discipline is inappropriate: too harsh, not harsh enough, incomplete, or incorrect.
- B. The party shall be entitled to a written appeal to the School Leader within thirty school days following the Title IX Decision. The appeal shall solely be to allow the parties to present their information in support or in opposition to the decision. The School Leader may, in its discretion, authorize in-person appeal hearings or virtual hearings.
- C. The School Leader must issue written notice of the decision describing the result of the appeal and any stated rationale within 5 school days of the decision.

NONDISCLOSURE OF PROCEEDINGS:

- A. Except as otherwise required by law, complaints and investigations under this procedure shall be disclosed only to those persons who have a need to know for purposes of investigating or resolving the complaint. All disclosures are subject to state and federal privacy laws. Any employee or student who releases information in violation of this procedure shall be subject to disciplinary action.
- B. The Title IX Coordinator shall maintain the files and records relating to reports and investigations of sexual harassment.

NO RETALIATION:

Retaliating against anyone for filing a complaint or for participating in an investigation of a complaint filed under this procedure is prohibited. Any employee or student who retaliates in violation of this procedure shall be subject to disciplinary action.

Students or employees who knowingly make false charges of harassment may be subject to disciplinary action as well as any civil or criminal legal proceedings.

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PUBLICATION AND NOTIFICATION:

The School System's policy and procedure on sexual harassment will be explained to all students and employees. A summary of the policy and procedure shall be included in student and faculty handbooks.

As required by O.C.G.A. 20-2-1184, a principal or designee who receives a report of a sexual offense (as defined in Chapter 6 of Title 16 of Georgia law) and has a reasonable cause to believe that the report is valid must immediately report the matter to the appropriate School Leader, the appropriate police authority and the School attorney. These offenses include, but are not limited to, sexual battery, rape, and molestation.