

# WHAT IS TITLE IX?

**No sex discrimination. No sexual assault. *Period.***



## Student Title IX Policy and Complaint Procedures

# Compliance with Title IX of the Education Amendments of 1972

- The Board prohibits unlawful discrimination based on sex in its education programs and activities, including admissions and employment.
- The Board does not tolerate any forms of sexual harassment, discrimination, or other unlawful treatment based on sex.
- It is the policy of the Board and District to comply fully with the requirements of Title IX of the Education Amendment of 1972 (“Title IX”).

# Student Title IX Coordinator

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# Title IX Coordinators and Team

- The Title IX Coordinators have the authority to coordinate the prompt investigation and resolution of formal complaints of sexual harassment, which includes providing supportive measures to the parties.
- The Title IX Coordinators may designate Deputy Title IX Coordinators, investigators, and decision-maker panels to assist with this task.
- Members of the Title IX Team must be impartial and free of bias and conflicts of interest.
- Each Title IX Team will consist of a (1) Title IX Coordinator (and/or Deputy Title IX Coordinator), (2) Investigator, and (3) Three-member Decision-maker Panel

# Definitions

- “Actual Knowledge ” means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator (or designee), or any employee of the District.
- “Advisor” means a person chosen by a party to assist the party in the complaint process.
- “Complainant” means an individual who alleges he/she is a victim of conduct that could constitute sexual harassment as defined by Title IX.



# Definitions (cont.)

- “Formal Complaint” means a written document filed and signed by a complainant with the Title IX Coordinator (or designee) or signed by the Title IX Coordinator that alleges sexual harassment against a respondent. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in an education program or activity of the District. A complainant may file a formal complaint in-person, by mail, email, or telephone.
- “Education Program or Activity ” means any location, event, or circumstances within the United States, over which the District exhibits substantial control over both the alleged harasser and the context in which the harassment occurred.

# Definitions (cont.)

- “Respondent” means an individual the complainant reports as being a perpetrator of conduct that could constitute sexual harassment.
- “Sexual Harassment” is conduct based on sex that satisfies one of the following:
  1. An employee conditions the provision of an aid, benefit, or service on a student’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 an education program or activity.
  3. “Sexual Assault” as defined by 20 U.S.C. § 1092(f)(6)(A)(v), “Dating Violence” as defined in 34 U.S.C. § 12291(a)(10), “Domestic Violence” as defined in 24 U.S.C. § 12291(a)(8), and “Stalking” as defined in 34 U.S.C. § 12291(a)(30).

# Definitions (cont.)

- “Supportive measures” are non-disciplinary, non-punitive, individualized services that the District may offer, as necessary, to the complainant and the respondent.

*Talking*    
TITLE IX

# Procedures for Filing a Formal Complaint for Sexual Harassment

- All students, employees, and third parties of the District should help to create an environment free of sexual harassment and discrimination based on sex.
- Employees with actual knowledge of alleged sex discrimination, harassment, sex-based misconduct must report the allegation to the Title IX Coordinator within 24-hours.
- Complaints can be filed by mail, telephone, or email and the report can be filed at any time (including non-business hours, weekends, or holidays).

# Basic Elements of a Formal Complaint for Sexual Harassment

- The District will treat the complainant and respondent equitably and both can expect a prompt, fair, and impartial investigation and resolution by trained representatives that are free of conflicts of interest and bias and are authorized to restore or preserve the parties' access to education programs and activities.
- The complainant and respondent may ask for a temporary delay based on good cause with written notice to both parties explaining the reason for the delay.
- The complainant and respondent have a right to discuss the allegations under investigation without restriction and if necessary, the District will take appropriate steps to preserve the parties' rights under applicable federal, state, and local laws.

# Elements (cont.)

- The respondent is presumed not responsible for the alleged conduct until a determination has been made at the conclusion of the formal complaint process.
- The District will notify the complainant and respondent of available supportive measures and will implement those supportive measures, as necessary.
- An impartial investigator that is not the Title IX Coordinator (or Deputy Title IX Coordinator), or member of the decision-maker panel will make an objective evaluation of available evidence, which includes evidence that may support or disprove a violation.
- Creditability determinations, if necessary, will not be based solely on a party's status as a complainant, respondent, or witness.

# Elements (cont.)

- The District has the burden of proof and the burden of gathering evidence but will give the complainant and respondent an opportunity to present witnesses and submit evidence for review.
- The District will provide the complainant and respondent with an equal opportunity to review all evidence that is directly related to the allegations in the formal complaint. The opportunity to review available evidence will occur prior to the completion of the final investigation report by the investigator and the parties will have at least 10 days to prepare and submit a written response to the evidence, which may include questions to the other party or witnesses.
- An impartial decision-maker panel who are not the Title IX Coordinator (or Deputy Title IX Coordinator), or investigator will issue a finding of responsibility based on a preponderance of the evidence standard.

# Elements (cont.)

- District representatives involved in the formal complaint or informal resolution process will not have a conflict of interest or bias against complainants or respondents.
- A person who is invited or expected to attend an interview will be given notice of the date, time, participants, and purpose of the investigative interviews or other meetings, with sufficient time to prepare. The person participating will have an opportunity to have an advisor at the meeting, including an attorney at their own expense.

# Elements (cont.)

- The District has the authority to remove a party if there is an immediate threat to health and safety and the District has completed an individualized risk and safety assessment. A party subject to an emergency removal will have an opportunity to appeal the decision.
- The complainant and respondent participate in a voluntary informal resolution process if both parties mutually agree to participate.
- If a formal complaint is filed, then a school CANNOT take disciplinary action against a party until after the formal complaint process conclusions.
- Please see Board Policy JCAC (Harassment) and Board Policy GAEB (Discrimination, Harassment, and Retaliation) for the complete Title IX policy.

