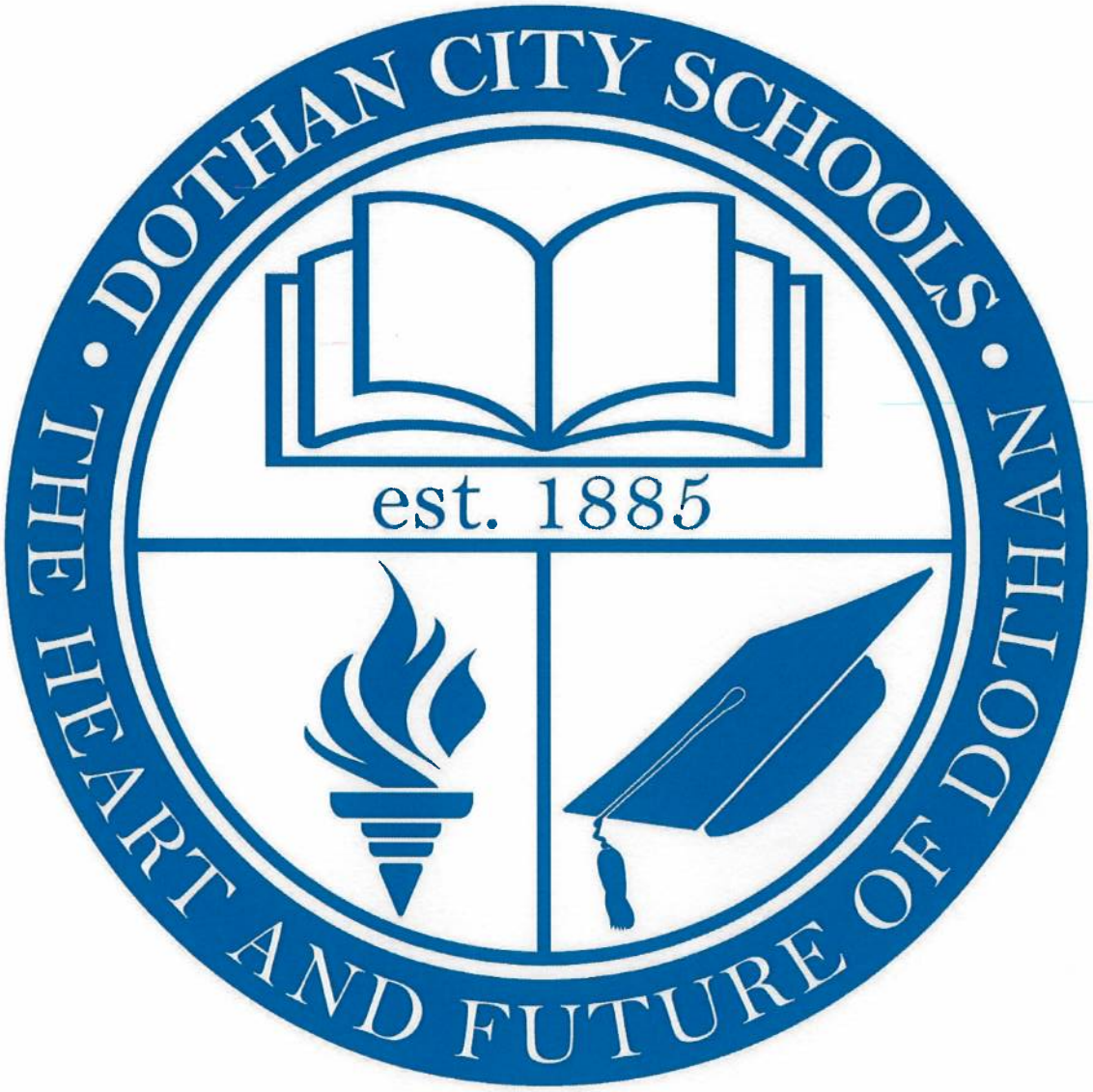


Dothan City Schools

Policy and Procedures for Sex/Gender Harassment, Discrimination, and Misconduct

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I. Background/History/Introduction

Dothan City Schools is committed to developing, implementing policies, procedures and directives in support of safe schools; workplace; community environment conducive to maintaining as an equal opportunity employer the mandates aligned and in congruence with DCS Board policy, local, state, and national laws. To that end, as noted in the DCS policy 5.13 Equal Employment Opportunity, *"The Superintendent is authorized and directed to implement such rules, regulations, procedures and directives as necessary an appropriate to implement and enforce this policy and any law prohibiting discrimination in the workplace, including the designation of one or more complaint/grievance investigator, officials, or coordinators, the development of complaint or grievance procedures for responding to allegations of unlawful discrimination, the provision of training or dissemination of instructional materials and advisories to appropriate staff members, and the administration of corrective or remedial action in response to violations of the law and of this policy."*

Members of the Dothan City Schools community, guest, and visitors have the right to be free from all forms of sex/gender harassment, discrimination, and misconduct, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the DCS community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Dothan City Schools believes in zero tolerance for sex/gender-based misconduct. In addition to this belief, all *"Personnel actions and decisions will be made without regard to factors or considerations prohibited by federal or state law (as such laws may from time to time be amended), including but not limited to race, color, religion, sex, national origin, age, disability, and genetics.)"* DCS Board. Policy 5.13.1

Zero tolerance means that when an allegation of misconduct is brought to a responsible employee's attention, supportive measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the complainant and community are remedied through serious sanctions when a respondent if found to have violated this policy(s). This policy/procedure document has been developed to reaffirm Dothan City Schools' continual commitment to provide recourse for those individuals whose right have been violated. DCS further intends to define expectations and procedure for determining when those expectations have been violated.

Dothan City Schools will utilize the evidentiary standard of a preponderance of the evidence (also known as "more likely than not") as the standard for proof of whether a violation occurred. This standard is applicable to all issues regarding sexual harassment and/or discrimination. Anyone wishing to make a report relating to discrimination or harassment may do so by

reporting the concern to the Title IX Coordinator. All documents and instructions for filing are found on the Dothan City Schools website via Personnel department at dothan.k12.al.us.

II. Title IX Coordinator (roles and responsibility, contact information)

a. Per the regulations, a Title IX Coordinator must be designated (and so named) to coordinate, implement, and oversee efforts for compliance with the Title IX regulations. The responsibilities include disseminating information regarding Title IX compliance, dissemination of policy and grievance procedures. The Title IX Coordinator is authorized per the Final Regulations to receive complaints, review and determine relevancy to Title IX sexual harassment prescribed definition, gender discrimination (academics, athletics, extracurricular activities – school sponsored), any conduct relating to sex (harassment to others or to self) or misconduct both under federal guidelines as well as state guidelines i.e. Erin's law, issue appropriate notifications, monitor and track the process to include supportive measures and/or any sanctions.

b. Role and Responsibilities of Title IX Team members

- The Title IX team members, as defined by the **Federal Register**/Vol. 85, No. 97 Title IX Rules and Regulations includes Title IX Coordinator, Title IX Investigator(s), Title IX Decision Maker(s).

c. Training – Erin's Law requirements Erin's Law (Act 2015-456)

- Erin's Law requires local school boards to adopt guidelines for a child sexual abuse prevention instructional policy, training for Grades K-12 educators on recognizing and avoiding child sexual abuse, and an age-appropriate curriculum in public schools on child sexual abuse prevention education. **FY16-2031**

d. Definitions

- Sexual Harassment – any of the following conduct on the basis of sex constitutes sexual harassment
  - **Quid Pro Quo:** A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct often called "quid pro quo" harassment
  - **Severe, Pervasive, & Objectively Offensive:** 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 school's education program or activity
  - **Sexual assault, dating violence, domestic violence, or stalking** as those offenses are defined in the Clergy Act, 20 U.S.C. 1092, and the Violence Against Women Act, 34 U.S.C. 12291(a)

- Responsible Employee – *106.44(a) General response to sexual harassment*. A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent.
- Complainant – a person alleges sexual harassment
- Respondent – recipient of the alleged sexual harassment
- Recipient – Dothan City Schools
- Advisor(s) –
    - Each party is allowed to have an advisor of their choice. Please limit to one advisor.
    - Advisors may be but are not limited to a friend, family member, attorney, union representative.
    - Advisors may attend meetings and inspect and review evidence provided during the grievance process.
    - Advisors are not expected to speak "for" or on behalf of the party for whom they are serving.
    - Advisors are not expected to speak out during any proceedings or meetings nor speak directly to any other party other than the person for whom they are advising.
    - Advisors are expected to conduct themselves in a professional manner at all times.

Dothan City Schools grievance procedure is established to provide recourse for any person who feels that his/her civil rights have been violated as set out in the Civil Rights Act of 1964 (Title VII) (as amended), the Education Amendments of 1972 (Title IX), or Section 504 of the Rehabilitation Act of 1972. This procedure applies to any student, prospective student, employee, or prospective employee.

III. Overview of Policy Expectations with respect to Sexual Misconduct

a. Sexual Harassment reported to school district employee

i. *Actual Knowledge* – Any school employee (teacher, aide, bus driver, custodian, administrator, coach, school and department staff member) receives notice of allegation via in person, in writing, or by observation.

ii. Employees have a duty to report the allegation immediately to the supervisor/administrator, Title IX Coordinator directly by online reporting system, phone, email, or in person.

iii. Title IX Coordinator receives the complaint; meets with the complainant; offers supportive measures (see list of possible measures available); Emergency Removal of respondent based on the findings of risk/threat assessment (see Emergency Removal section of this document).

iv. If no formal complaint is signed (by either the Title IX Coordinator or complainant or parent of complainant), the Title IX Coordinator is tasked with determining if the complaint meets the definition of Sexual Harassment, occur in education program or activity, or in the U.S.

v. *Dismissal of Complaint* – must meet the following criteria
   1. does not meet the definition of sexual harassment
   2. at the request of the Complainant
   3. the respondent is no longer under Dothan City Schools jurisdiction

b. Investigation Process

i. *Formal Complaint* signed – written notification requesting the school system conduct an investigation

ii. *Notice of Allegations* submitted to respondent and copy to complainant

iii. *Notice of Investigation* – Investigator assigned who will begin the prompt (45-60 days) process by providing notice to parties of all meetings and interviews
   1. Complainant and Respondent are allowed to have an advisor of their choice at all meetings/interviews

iv. *Review of Evidence* – opportunity for parties to inspect, review, and respond to all evidence directly related to allegations – relevant or not
   1. 10-day timeline for written response before finalizing the report.

v. *Review of Report* – Opportunity for parties to review the investigation report within 10 days and submit a written response for the decision maker.
   1. Investigation report considers responses to evidence; includes all inculpatory and exculpatory evidence; summarizes the relevant evident; submit creditable assessment of the evidence.

c. Decision Maker –

i. Receives investigation report and written responses from the parties

ii. Completes the review of the evidence and prepare final determination based on the evidence; affords both parties an opportunity for questions and answers regarding the contents of the investigation; determines relevance of questions with written justification; submits all relevant questions to either party for answers.

iii. Information provided from the Title IX regulations

1. *Determination regarding responsibility.* (i) The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the recipient must apply the standard of evidence (preponderance of evidence – meaning evidence supports what is more likely than not to have happened)
2. The **written determination** must include—
    a. Identification of the allegations potentially constituting sexual harassment as defined in § 106.30;
    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, methods used to gather other evidence, and hearings held;
    c. Findings of fact supporting the determination;
    d. Conclusions regarding the application of the Dothan City Schools 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 Dothan City Schools imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by Dothan City Schools to the complainant; and
    f. The recipient's procedures and permissible bases for the complainant and respondent to appeal.
3. The recipient (Dothan City Schools) must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of 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.

d. Appeals Process

i. The following information outlines the Dothan City Schools Appeals process. The Complainant or the Respondent may appeal a decision as permitted by the DCS District policy, which includes a requirement that either party must file an appeal within twenty (20) days of a determination by requesting the appeal in writing to the Superintendent.

ii. An appeal may be based upon any of the following:
   1. Procedural irregularity that affected the outcome of the matter.
   2. 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.
   3. 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.

e. **Informal Resolution Process – not available for complaints regarding adult to student harassment per the Title IX regulations.**

i. Only available *after a formal complaint has been signed* and submitted to the Title IX Coordinator. **For matters other than Title IX, an informal resolution is available – see DCS website.**

ii. The requirements of the Informal Resolution Process can be found, www.dothan.k12.al.us, under Human Resources. Identified as Dothan City Schools Informal Grievance Resolution as well as found in the Dothan City Schools Policy Manual located under the *Policy* tab on the district website.

iii. It is the intent of Dothan City Schools through the Informal Resolution Process to assist employees in resolving differences with absolute confidence and assured confidentiality. The focus of this meeting is resolving the conflict and improving the situation. Our goal is to reach a workable solution with support for both parties.

iv. If a resolution is reached through the Informal Resolution Process, parties *may not appeal the agreement, or resume the Formal Grievance Process related to the same allegation(s).* However, either party, at any time prior to a resolution, may withdraw from the Informal Resolution Process and resume the Formal Grievance Process with respect to the formal complaint. The formal grievance process would continue with an assigned investigator, decision maker, and appeals process.

v. Records from the Informal Resolution Process will be maintained by Dothan City Schools within the Human Resources Department and by extension the Title IX department for seven or more years but **will not be used** as part of the investigation or resolution if the Formal Grievance **used** as part of the investigation or resolution if the Formal Grievance Process is resumed. Records will be shared between the parties during the Informal Resolution Process as determined and communicated by the Informal Resolution Facilitator.

f. Emergency Removal – Requires Risk/Threat Analysis – must meet the following criteria – guidance provided through the DCS Crisis Team Protocol procedures manual.

i. Undertake an individualized safety and risk analysis.
ii. Determine if an immediate threat to physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.
iii. Provide the respondent with notice and an opportunity to challenge the decision immediately following the removal while respecting all rights under IDEA, Section 504, ADA as applicable.
iv. Respondent can ask for a hearing with the Title IX Coordinator.
v. There is no appeal for emergency removal when the criteria listed above has been met and documented.

IV. Overview of Policy Expectations with respect to Consensual Relationships – i.e. Quid Pro Quo Harassment Allegations (employees, students, faculty, staff, contracting agents etc)

a. See DCS Board Policy 5.14.2 Examples of Prohibited Conduct (d) Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual employment status.

b. Addressing Failure to Comply or Failure to Report

i. DCS Board Policy 5.14.7 Penalties for Violation – Any employee (student) who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subjected to appropriate disciplinary action up to and including termination (employee).

V. Sexual Violence: Risk Reduction

a. Required annual training for all employees – Title IX Basics, Responsible Employee training

b. Required annual training for all students with follow-up per semester as applicable – Erin's Law

c. Emergency Removal requirement of safety and risk assessment – see Crisis Management Protocols

VI. Sexual Misconduct Offenses Include, But are Not Limited to:

a. DCS Board Policy 5.14.2 Examples of Prohibited Conduct – The following are examples of conduct that may constitute sexual harassment, depending on individual circumstances; (a) Verbal harassment or abuse of a sexual nature, including graphic or derogatory comments, the display of sexually suggestive objects or pictures, and sexual propositions; (b) Repeated unwelcome solicitation of sexual activity or sexual contact; (c) unwelcome, inappropriate sexual touching; (d) Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to an individual employment status.

VII. Other Misconduct Offenses (Sex or Gender-Based – to self or others)

a. DCS Board Policy 5.14 Sexual Harassment – The Board strictly prohibits unlawful discrimination in all of its programs, offices, departments, and facilities. Sexual harassment, as defined by law, is a form of unlawful discrimination and will not be tolerated from employees or other persons associated with the Board.

VIII. Other Misconduct Offenses (Discrimination – protected classes)

a. DCS Board Policy 5.14 Sexual Harassment

IX. Retaliation – DCS Board Policy 5.14.6

a. It is important to not here as a reminder that Dothan City Schools Board policy prohibits retaliation, which is defined as *5.14.6 Retaliation Prohibited – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of sexual harassment. False accusations that are made in bad faith or for improper reasons may result in disciplinary action.*

b. Retaliation exists when an individual harasses, intimidates, or takes other adverse actions against a person because of that person's participation in an investigation of discrimination or sexual misconduct or their support of someone involved in an investigation of discrimination.

c. Retaliatory actions include, but are not limited to, threats or actual violence against the person or that person's property, adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism. Dothan City Schools will impose sanctions on any faculty, student, or staff member found to be engaging in retaliation, or individuals who encourage third parties to retaliate on their behalf.

X. Sanctions – 5.13.1 Harassment, Discrimination

a. **Student Sanctions – Student Code of Conduct**

i. Written Warning
ii. Probation (Principal or Superintendent)
iii. Suspension (In school or out of school)
iv. Expulsion – upon recommendation from the superintendent and approved by the Board of Education

v. Organizational Sanctions i.e. restrictions in extracurricular activities, etc.
vi. Other actions i.e. required training with a site-based school counselor, etc.

b. Employee Sanctions – Human Resources Manual/Handbook

i. Warning – written or verbal with documentation
ii. Performance improvement plan
iii. Required counseling
iv. Required training or education
v. Demotion
vi. Other actions as appropriate

XI. Sanctioning for Sexual Harassment and/or Sexual Misconduct

a. Student Sanctions – Student Code of Conduct

i. Written Warning
ii. Probation (Principal or Superintendent)
iii. Suspension (In school or out of school)
iv. Expulsion – upon recommendation from the superintendent and approved by the Board of Education
v. Organizational Sanctions i.e. restrictions in extracurricular activities, etc.
vi. Other actions i.e. required training with site-based school counselor, etc.

b. Employee Sanctions – Human Resources Manual/Handbook

i. Warning – written or verbal
ii. Performance improvement plan
iii. Required counseling
iv. Required training or education
v. Demotion
vi. Other actions as appropriate

XII. Confidentiality and Reporting of Offenses Under 5.14 policy

XIII. Confidential Reporting under 5.13 policy

XIV. Formal Reporting Options

a. Dothan City Schools Website – dothan.k12.al.us
b. Email to Title IX Coordinator – beguilford@dothan.k12.al.us
c. Phone call to Title IX Coordinator – (334)793-1397 EXT 236209 or (334)258-7311 cell
d. Conference with Title IX Coordinator – office 1665 Honeysuckle Rd Dothan

XV. Additional Policy Provisions

a. Supportive Measures – May include but not limited to:

i. No-Contact orders
ii. Minimizing interaction between complainant and respondent i.e. shifting classes, work, relocating to different classroom, work space, course group, etc.

iii. Providing school-based counseling services
iv. Referring for medical services
v. Providing academic support services, i.e. tutoring
vi. Extending assignment deadline, arranging for either party to re-take a class/withdraw from a class without penalty
vii. Reviewing any disciplinary actions taken with respect to either party to assure they are non-retaliatory
viii. Holding school-wide training and education initiatives
ix. Interim suspension – in or out school
x. Alternative placement during the school day
xi. Change supervisor (employees)
xii. Other measures as deemed necessary and appropriate by site-based supervisor in conjunction with the Title IX Coordinator, Chief Operations Officer, Superintendent.

Per the Title IX regulations, all records in the Title IX process will be maintained by Dothan City Schools within the Title IX Department and by extension the Human Resources Department as applicable for seven or more years.

Dr. Dennis Coe, Superintendent

8/2/2024

Date

Nicole Guilford,

Title IX Coordinator

Patrick Mallory,

Chief Operations Officer