



***Baldwin County Board of Education***  
*A Charter System of Georgia*

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**Board of Education**

**Mr. John Jackson**, Vice Chair

Dr. Gloria Wicker

Ms. Shannon D. Hill

Mr. Lyn Chandler

**Baldwin County School District Title IX Grievance Procedures**

The Baldwin County School District ("District") does not discriminate on the basis of sex in any of its education programs or activities, admissions or employment and will not tolerate sexual harassment. All forms of sex discrimination, including sexual harassment, are prohibited in the District. Individuals with questions on Title IX or who would like to file a Formal Complaint under Title IX should contact:

Mr. Matt Adams  
Deputy Superintendent/Title IX Coordinator  
Email: [matt.adams@baldwin.k12.ga.us](mailto:matt.adams@baldwin.k12.ga.us)  
Phone Number: 478-457-2916  
110 North ABC Street  
Milledgeville, Georgia 31061

The *Baldwin County School District Title IX Formal Complaint Form* may be found on the District's website.

**I. Application of these Procedures**

The following procedures outline the District's response to Formal Complaints of sexual harassment under Title IX. These procedures do not apply to complaints alleging other forms of sex discrimination that do not meet the definition of sexual harassment under Title IX as defined in Section II below. Complaints regarding general allegations of sex discrimination may be filed with the District's Title IX Coordinator and will be responded to in accordance with Policy JAA, Equal Educational Opportunities, Policy JCAC, Harassment, the Student Code of Conduct or



Policy GAAA, Equal Opportunity Employment and the Employee Handbook. The District will update these procedures as may be required by law.

## **II. Definitions**

- a. *Actual Knowledge* – Notice of sexual harassment or allegations of sexual harassment to the District’s Title IX Coordinator, any District official who has authority to institute corrective measures on behalf of the District or any District employee.
- b. *Administrative Leave* – The District may place a non-student employee respondent on administrative leave during the pendency of the Grievance Process for a Formal Complaint.
- c. *Complainant* – An individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- d. *Days* – Includes days when the District’s Board of Education office is open. Days shall not include holidays, weekends or any weekday during the school year on which the District is closed (e.g., inclement weather). Should a deadline under these procedures fall on a Saturday, Sunday, or federal or state recognized holiday, then the deadline will fall on the next business day.
- e. *Disciplinary Sanctions* – Students found to be responsible for sexual harassment may be disciplined in accordance with the Code of Conduct and based on the severity of circumstances. Such disciplinary actions include, but are not limited to, suspension and expulsion. For employees, disciplinary actions may include, but are not limited to, suspension or termination.
- f. *Education Program or Activity* – Any location, event, or circumstances in which the District exercises exercised substantial control over both the respondent and the context in which the sexual harassment occurs.
- g. *Emergency Removal* – The District may remove a respondent from their education program or activity on an emergency basis, provided the District undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- h. *Formal Complaint* – 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 email, by using the Title IX Coordinator’s contact information set forth above. A complainant that completes a





Baldwin County School District Title IX Formal Complaint Form is considered to have filed a formal complaint.

- i. *Remedial Measures or Remedies* – Such measures must be designed to restore or preserve equal access to the District’s education program or activity. Such remedies may include services for supportive measures, as defined below. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- j. *Respondent* – An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- k. *Sexual Harassment* – Conduct on the basis of sex that satisfies one or more of the following:
  - i. A District employee conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct;
  - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a District education program or activity; or
  - iii. “Sexual assault” as defined in 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 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).
- l. *Supportive Measures* – 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 a District 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. Examples 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 District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the District’s ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Supportive measures may be implemented even if a Formal Complaint is not filed.

## **II. District’s General Response to Sexual Harassment**

- a. The District will respond when it has actual knowledge of sexual harassment in one of its education programs or activities against a person in the United States. The



District will respond promptly in a manner that is not deliberately indifferent. The District would only be deliberately indifferent if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

- b. The District will treat complainants and respondents equally when implementing supportive measures and the Formal Grievance Process.
- c. The District's Title IX Coordinator and school administration will respond promptly to all general reports of sex discrimination or harassment and implement supportive and remedial measures as appropriate.

### **III. District's Grievance Process for Formal Complaints of Sexual Harassment under Title IX**

#### **a. Notices under the Formal Grievance Process**

- i. Upon receipt of a formal complaint, the District shall within 10 days provide the following written notice to the parties who are known:
  - 1. Notice of the District's grievance process;
  - 2. 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 District may implement following any determination of responsibility.
  - 3. 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 described above, the District shall provide notice of the additional allegations to the parties whose identities are known.

#### **b. Dismissal of a Formal Complaint**

- i. The District 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. A dismissal does not preclude action under another provision of the District's Code of Conduct.

- ii. The District 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.
- iii. Upon a dismissal required or permitted pursuant to the above, the District shall promptly send written notice of and reason(s) for the dismissal simultaneously to the parties.

**c. Consolidation of Formal Complaints**

The District 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.

**d. Investigating Formal Complaints**

After providing written notice to the parties of the receipt of a formal complaint, the District shall have 20 days to investigate. When investigating a formal complaint and throughout the grievance process, the District shall:

- i. 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;
- ii. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
- iii. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
- iv. 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;

- v. 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;
- vi. 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 District 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
- vii. After the conclusion of the investigation, create within 10 days an investigative report that fairly summarizes relevant evidence, and at least 10 days prior to the determination regarding responsibility, as explained below, 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.
- viii. 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.
- ix. Emergency Removal: A student-respondent may be subject to an emergency removal, as defined above, during the investigation. The school principal will determine if an emergency removal is appropriate. Such removal may continue through the hearing and Determination of Responsibility process as





described below. Students subject to emergency removal may be allowed to participate in remote learning options. Appeals regarding a determination of emergency removal shall be made to the Title IX Coordinator.

- x. Supportive Measures during the Investigation Process: The Title IX Coordinator may implement supportive measures, as defined above, during the investigation process for both the complainant and respondent.

**e. Determination of Responsibility**

**i. Exchanging Questions**

1. After the District has sent the investigation 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. No party shall submit more than 25 written questions, including subparts, to any party or witness without the permission of the decision-maker(s) and upon a showing of a complex matter or undue hardship if such additional questions are not permitted.
2. 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 District 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.

**ii. Written Decision on Determination of Responsibility**

1. The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), shall, within 15 days of the conclusion of the question and answer period, issue a written determination on responsibility.
2. To reach this determination, the District shall apply the preponderance of the evidence standard.
3. 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 District'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 District's procedures and permissible bases for the complainant and respondent to appeal.
- g. The District 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.

**f. Appeals**

- i. The District shall offer both parties 10 days after a decision for an appeal from a determination regarding responsibility, or from a District's dismissal of a formal complaint or any allegations therein, on the following bases:
  - 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; and
  - 4. The disciplinary sanction was excessive or there is an inherent disproportion between the offense and the disciplinary action.





ii. As to all appeals, the District shall:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. 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;
3. Ensure that the decision-maker(s) for the appeal complies with the training standards set forth in this policy;
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties within 15 days of the receipt of the appeal.

g. **Informal resolution.**

- i. The District 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:
  1. 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;
  2. Obtains the parties' voluntary, written consent to the informal resolution process; and
  3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

#### IV. Title IX Training Requirements



- a. The District will provide all individuals designated as the District's Title IX Coordinator, investigator(s), decision-maker(s), individual(s) hearing appeals and any other person designated to facilitate an informal resolution process with training in compliance with 34 C.F.R. § 106.45(b)(1)(iii).

#### **V. Confidentiality and Recordkeeping Requirements**

- a. Except as necessary to complete a thorough and effective investigation under the Formal Grievance Process, the District will comply with state and federal laws regarding the confidentiality of student and employee records.
- b. The District will maintain for seven years the following records: documents and evidence collected during a Title IX investigation; audio or audiovisual records or transcripts; disciplinary sanctions implemented; remedies; supplemental measures; written Determinations of Responsibility; and Title IX training materials.

#### **VI. Retaliation is Prohibited**

- a. An individual will not be discriminated against for exercising their rights under Title IX or these grievance procedures. 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 or this part, constitutes retaliation.

#### **VII. Time Frame**

- a. The District 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 causes 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.





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**Title IX - Notice of Non-Discrimination**

The Baldwin County School District does not discriminate on the basis of sex in any of its education programs or activities, admissions or employment and will not tolerate sexual harassment. Sexual harassment under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- a. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (also referred to as quid pro quo sexual harassment);
- b. 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
- c. "Sexual assault" as defined in 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 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Anyone may experience sexual harassment, irrespective of gender identity or sexual orientation. Individuals that believe they have been subjected to sexual harassment, or have inquiries about the application of Title IX in the District, should immediately contact the District's Title IX Coordinator:

Mr. Matt Adams  
Deputy Superintendent/Title IX Coordinator  
Email: [matt.adams@baldwin.k12.ga.us](mailto:matt.adams@baldwin.k12.ga.us)  
Phone Number: 478-457-2916  
110 North ABC Street  
Milledgeville, Georgia 31061



Individuals with inquiries about the application of Title IX in the District may also contact the Assistant Secretary for Civil Rights in the U.S. Department of Education. For more information on Title IX found on the U.S. Department of Education's website, please see <https://www2.ed.gov/policy/rights/guid/ocr/sex.html>.

A copy of the District's Title IX Grievance Procedures can be found on the District's website.

The *Baldwin County School District Title IX Formal Complaint Form* can be used to file a formal complaint under Title IX. A copy of this form can be found on the District's website or obtained from the Title IX Coordinator. The Title IX Coordinator may also initiate a formal complaint.





## Baldwin County School District Title IX Formal Complaint Form

This form serves as the Formal Complaint form to initiate a Title IX investigation and response under Baldwin County School District's Title IX Grievance Procedures. When the form has been completed and signed by the Complainant, and the Title IX Coordinator has also signed the complaint, your complaint has been received and noted by the Baldwin County School District. Reports may be filed anonymously but may impact the Baldwin County School District's ability to investigate and respond to the complaint.

<p>Please indicate your status with the Baldwin County School District:</p> <ul style="list-style-type: none"> <li>• Staff</li> <li>• Student</li> <li>• Employment Applicant</li> <li>• Student Applicant</li> <li>• Other, Explain: _____</li> </ul>	<p>Name: _____</p> <p>Cell phone: _____ Home phone: _____</p> <p>Address: _____ _____</p> <p>Email Address: _____ _____</p> <p>School: _____</p>
<p>Complaint relates to:</p> <ul style="list-style-type: none"> <li>• Dating Violence</li> <li>• Domestic Violence</li> <li>• Gender Identity or Expression</li> <li>• Gender/Sex</li> <li>• Retaliation under Title IX</li> <li>• Sexual Assault/Battery/Rape</li> <li>• Sexual Harassment</li> </ul>	<p><b>Complaint:</b> Describe your complaint as clearly and concisely as possible. Please provide any relevant dates and a description of where the incident occurred. Important facts include who, what, when and where. Please attach additional pages describing your complaint if necessary.</p> <p>Date of incident: _____</p> <p>Where did the incident occur: _____</p> <p>Other Information on Incident: _____ _____ _____ _____ _____ _____ _____ _____</p>

<ul style="list-style-type: none"> <li>• Sexual Orientation or Expression</li> </ul>	
<ul style="list-style-type: none"> <li>• Stalking</li> </ul>	
<ul style="list-style-type: none"> <li>• Other, Explain:</li> </ul>	

Name of person you believe violated Title IX and how you have contact with them (e.g. classmate, teacher, administrator, co-worker, school visitor or other):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How would you like this resolved? (Attach additional pages if necessary)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

For retaliation complaints, please explain what actions you believe lead someone to retaliate against you:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Witnesses** (name, relationship to you and phone number):

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

(Attach additional pages if necessary)

Have you brought this matter to the attention of any employee of the Baldwin County School District? If so, please list the name(s) and school(s)/department(s) of all other employees with whom you have discussed this matter and when this discussion occurred:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



I certify the information contained in this Formal Complaint is true and correct to the best of my knowledge.

X \_\_\_\_\_ Date: \_\_\_\_\_

**For Administration to complete**

Complaint received by: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Other notes: