



Equitable Opportunities - AR 2.4(b)(1)

Sexual Harassment and Discrimination

Students

A. Purpose

City Schools of Decatur (CSD) desires to provide a safe school environment that allows all students equal access and opportunities to the district's academic and other educational support programs, services, and activities. The District prohibits, at any district site or school activity, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, ethnicity, national origin, color, religion, sex, gender identity, disability, age, marital status, or sexual orientation; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics.

Prohibited discrimination, harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on one of the categories listed above that is so severe and pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities. The District also prohibits any form of retaliation against any student who files a complaint or report regarding an incident of discrimination, harassment, intimidation, or bullying.

B. Definitions

SEX DISCRIMINATION

Any action, policy, or practice, that is intended to, or has the effect of denying equal opportunities for and access to the district's programs and services on the basis of actual or perceived sex, sexual orientation, or gender identity, including bias, stereotyping, harassment, and limiting or denying a person or group of persons opportunities, privileges, roles, or rewards based on actual or perceived sex, sexual orientation, or gender identity.

SEXUAL HARASSMENT



City Schools of Decatur Administrative Regulation

Students are protected against sexual harassment by anyone in any school program or activity, including any district site or school activity.

Sexual harassment is unwelcome behavior or communication that is sexual in nature when:

- A student is led to believe that he or she must submit to unwelcome sexual conduct or communications in order to gain something in return, such as a grade, a promotion, a place on a sports team, or any educational or employment decision, or
- The conduct substantially interferes with a student's educational performance, or creates an intimidating or hostile educational or employment environment.

Examples of that may constitute sexual harassment:

- Pressuring a person for sexual favors
- Unwelcome touching of a sexual nature
- Writing graffiti of a sexual nature
- Distributing sexually explicit texts, e-mails, pictures, or videos
- Making sexual jokes, rumors, or suggestive remarks
- Physical violence, including rape and sexual assault

Sexual Violence

The US Department of Education Office of Civil Rights (OCR) defines sexual violence as “physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol. An individual may also be unable to consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts are forms of sexual harassment covered under Title IX.”

C. Measures to Prevent Discrimination and Harassment

The Superintendent or designee will provide, as appropriate, age-appropriate training and information to students, parents/guardians, and employees regarding discrimination, harassment, intimidation, and bullying, including, but not limited to, the district's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made. In providing instruction, guidance, supervision, or other services to district students, employees and volunteers shall carefully guard against segregating or stereotyping students. The principal or designee should provide students with appropriate accommodations when necessary for their protection from threatened or potentially harassing or discriminatory behavior.

Racial Equity

The district recognizes that achievement and opportunity gaps, as well as disparities in disciplinary action have historically existed among student groups based on race. CSD has



City Schools of Decatur Administrative Regulation

established an administrative regulation to promote equitable outcomes regardless of race. Measures to prevent discrimination based on race are outlined in the Equity Action Plan, AR 2.4(b)(2). Grievance procedures are detailed in Student and Community Grievances, AR 2.7(d)(2).

Transgender and Gender Diverse Students

CSD strives to 1) foster a learning environment that is safe, affirming, and free from discrimination, harassment, and bullying for all students; and 2) assist in the educational and social integration and development of students in our schools who are transgender or gender diverse. This administrative regulation is intended to be interpreted in light of applicable federal and state laws and regulations, as well as Board policies.

This administrative regulation is not intended to anticipate every possible situation that may occur, since the needs of particular students differ. Administrators and school staff are expected to utilize this administrative regulation within the context of the individual needs of the student.

Definitions

The following definitions are not intended to provide rigid labels for students, but to assist in discussing and addressing the needs of students. Administrators, school staff, volunteers, students, and others who interact with students are expected to be sensitive to the ways in which particular students who are transgender or gender diverse may wish to be identified.

- Gender - The complex relationship between physical traits and one's internal sense of self as male, female, both, or neither (gender identity), as well as one's outward presentation and behaviors (gender expression).
- Gender Diverse - Someone is gender diverse if their gender expression does not match what is culturally expected for their sex assigned at birth.
- Sex - A label of "male" or "female" assigned at birth based on physical attributes and characteristics. In some contexts, this is used as an umbrella term that encompasses gender and gender identity; this is not the case in this administrative regulation, however.
- Cisgender - An adjective describing a person whose gender identity aligns with their sex assigned at birth.
- Transgender - An adjective describing a person whose gender identity differs from their sex assigned at birth.



City Schools of Decatur Administrative Regulation

- Gender Expression - How a person expresses their gender through outward presentation and behavior.
- Gender Identity - A personal, deeply-felt, sincere sense of being male, female, both, or neither.
- Sexual Orientation - A person's romantic or sexual attraction to people of a specific gender or genders. Sexual orientation and gender identity are separate, distinct parts of one's identity.

Addressing the Needs of Students who are Transgender or Gender Diverse

CSD is committed to addressing the needs of students who are transgender or gender diverse. As with all students, if a student who is transgender or gender diverse needs additional support, the student and/or the parent or guardian may contact school administration in order to make an individual plan for the student. Furthermore, as with all students, any staff member who reasonably suspects that a student who is transgender or gender diverse requires additional support has an affirmative duty to engage with the student, family, and colleagues to identify and implement strategies to support the student.

1. CSD shall accept a student's assertion of their gender identity when there is consistent assertion of gender identity or other evidence that the student's gender identity is sincerely held as a part of their core identity. Barring exceptional circumstances described below, CSD will not require medical or mental health records as proof of a student's gender identity.
2. If administrators have a credible and objective reason to believe that a student is insincerely asserting a transgender or gender diverse identity for an improper purpose, they may request additional evidence supporting the student's stated gender identity. Evidence may include:
 - a. A written statement from a physician, physician's assistant, nurse practitioner, or nurse who has been involved with the student's healthcare;
 - b. A written statement from a psychologist, psychiatrist, licensed professional counselor, or social worker who has met with the student;
 - c. Passports or other formal documents showing the student's legal gender;
 - d. Familial documents, such as family photographs or statements from the student's parent(s), guardian(s), or other adult relative(s) or caregiver(s);



City Schools of Decatur Administrative Regulation

- e. A statement from an adult who is close to the student and can speak to the student's core gender identity.
3. In the event that a student and their parent or legal guardian do not agree with regard to the student's gender identity or gender expression, the school will offer support services to facilitate discussions with the family to develop a course of action that promotes the physical and mental well-being of the student.

Guidance on Specific Issues

1. **Privacy and Confidentiality:** CSD shall comply with its own privacy policies, and with applicable state, local, and federal privacy laws, with respect to a student's gender identity. School staff shall comply with the student's wishes regarding disclosure of their gender identity to others, including but not limited to other students, volunteers, or other school staff, unless the student has explicitly authorized the disclosure or unless the school district is legally required to do so.
2. **School Records:** To the extent that City Schools of Decatur is legally required to keep an official record that includes a student's identity (for example, for standardized tests and official school district reports to state or federal agencies), said record shall bear the student's legal name, which may be changed only upon proof that it has been changed pursuant to a court order. Consistent with the Georgia Department of Education data reporting guidelines, the District does not require gender to be verified by a student's birth certificate. At the request of a student, the school should use the student's preferred name, gender, and pronouns consistent with their gender identity on documents not prescribed by law or regulation, including but not limited to name tags, classroom rosters, certificates, diplomas, and yearbooks. It is important that employees take all reasonable steps to ensure that bureaucratic mistakes causing inadvertent disclosure are avoided.
3. **Names/Pronouns:** Faculty and staff are expected to address students by the name and pronoun corresponding to their gender identity as asserted at school.
4. **Restrooms, Locker Rooms, and Other Gender-Segregated Facilities:** Students must be permitted to use restrooms, locker rooms, and changing facilities corresponding to the gender identity the student asserts at school. A student approved to use school facilities in accordance with their gender identity is required to use only those facilities made available to others of that gender identity. A school should endeavor to provide reasonable alternative facilities for any student, upon request, such as a separate stall or a staff facility in accordance with a student request for greater privacy. All district shower facilities shall be private and for individual use. Showers shall be considered private and for individual use if they include, at a minimum, an enclosed space for a



City Schools of Decatur Administrative Regulation

single person that accommodates undressing, showering, and dressing, with a means to prevent visibility from outside that space to inside that space, with an appropriate means to secure entry to the space from the inside. While in use, shower facilities shall be supervised by one or more staff members in close proximity to the area, able to respond quickly if a student needs assistance. While not in use, shower facilities shall be secured to prevent entry.

5. **Gender-Segregated Activities:** As a general matter, schools should endeavor to avoid gender-segregated activities, policies, and practices except where they serve an important educational purpose. Where gender-segregated activities do exist, students should be able to participate in accordance with the gender identity asserted at school. As outlined in the Georgia High School Association Constitution and Bylaws, “The GHSA will honor a gender determination made by a member school. The GHSA will not make gender identity determinations nor entertain appeals of the member school’s determination.”
6. **Field Trips:** Transgender and gender diverse students shall be permitted to participate in accordance with their gender identity that is asserted at school. Activities that may involve the need for accommodation to address student privacy concerns (e.g., overnight field trips) will be addressed on a case-by-case basis. In such circumstances, staff shall make a reasonable effort to provide available and reasonable accommodation for the student to address any such concerns.
7. **Dress Code:** CSD has a gender-neutral dress code. Therefore, students must dress consistently with any applicable requirements in the dress code, regardless of their gender identity.
8. **Discrimination, harassment, and bullying:** School staff should be sensitive to the fact that students who are transgender or gender diverse are at higher risk for discrimination, harassment, and bullying. Staff shall immediately notify the appropriate administrator if they reasonably suspect a student is the victim of discrimination, harassment, and/or bullying, in order to address the problem in accordance with CSD’s anti-bullying and applicable federal laws and regulations. Administrators shall report incidents of discrimination, harassment, and bullying to the District Compliance Officer.
9. **Accommodations for students and parents with religious objections:** School staff shall respect the religious beliefs of students and parents. Upon request, staff should make reasonable accommodations for a student who asserts religious objections, to the extent said accommodations can be made without interfering with CSD’s policy to create a safe, affirming, and discrimination-free environment for students who are transgender or gender diverse. Said accommodations may include allowing students with religious objections to use separate, non-communal facilities.



City Schools of Decatur Administrative Regulation

10. Training: All staff members, substitute teachers, and volunteers shall receive training/professional development resources related to the implementation of this administrative regulation.

D. Enforcement of District Policies and Procedures

Students who engage in discrimination, harassment, intimidation, bullying, or retaliation in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequences. Any employee who permits or engages in, or fails to report prohibited discrimination, harassment, intimidation, bullying, or retaliation shall be subject to disciplinary action.

Complaint Procedures

The following position is the designated coordinator for nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the district's nondiscrimination policies:

Executive Director of Equity and Student Support/District Compliance Officer
125 Electric Avenue
Decatur, GA 30030
TitleIX@csdecatur.net

Any student/employee who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the District Compliance Officer, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the District Compliance Officer or principal, whether or not the victim files a complaint. Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the District Compliance Officer or principal, whether or not the victim files a grievance. In addition, the employee should immediately intervene if safe to do so.

Upon receiving a report of discrimination, harassment, intimidation, or bullying, the District Compliance Officer shall immediately investigate the complaint in accordance with the following complaint procedures.

Complaint Procedure Timeline:

1. File written complaint, **within one year** of the alleged incident.
2. Within **5 school days**, the District Compliance Officer will contact the complainant to



City Schools of Decatur Administrative Regulation

- schedule an initial meeting.
3. District Compliance Officer will investigate and provide a report of **findings and the resolution within 30 school days** of the initial meeting.
 4. If the complainant disagrees with the resolution, the complainant must file a written appeal to the Superintendent within **10 school days** of the receipt of the district's response.
 5. The Superintendent will schedule a meeting within **20 school days** after receipt of a complainant's appeal.
 6. The Superintendent will send a written decision within **30 school days** after the appeal meeting.

Applicable laws: The district recognizes its responsibilities in accordance with applicable laws (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and its implementing regulations, Title II of the Vocational Education Amendments of 1976, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act) to ensure that all individuals in a multicultural and diverse society have an equal opportunity in all aspects of the operation of the school system. Therefore, City Schools of Decatur shall actively promote equity in all academic and co-curricular programs.

*The pronoun "their" is sometimes used in this regulation as a singular rather than plural pronoun.

Questions about this regulation should be directed to the Executive Director of Equity and Student Support or Title IX Compliance Officer.

Related Board Policy: 2.4(b)(1)

Public Review and Feedback: 11/14/18 - 12/14/18

Approved by Cabinet: 2/4/19