

GCPS Policies: Information for Volunteers and Lay Coaches

Gwinnett County Public Schools

Department of Internal Resolution and Compliance, Title IX

SY 2020-2021

SPEAKER:

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GCPS Nondiscrimination Policy

Gwinnett County Public Schools (GCPS) does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs, activities or employment practices and provides equal access to the Boy Scouts and other designated youth groups. GCPS is expressly prohibited from subjecting any person to discrimination or harassment on the basis of his/her membership in a protected class by the following laws: Title VI and Title VII of the Civil Rights Act of 1964; Age Discrimination in Employment Act of 1967; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973; Age Discrimination Act of 1975; Title I and Title II of the Americans with Disabilities Act of 1990; and Title II of the Genetic Information Nondiscrimination Act of 2008.

Training Overview:

- Addressing Title IX and Sexual Harassment
- Responsibilities and Mandatory Reporting
- Stakeholder Rights and Nondiscrimination

Title IX of the Education Amendments of 1972

Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Defining Sexual Harassment

The **Office of Civil Rights** enforces Title IX, and it has recently given new guidance on how to define **sexual harassment against students**.

It defines sexual harassment broadly to include any of **three types of misconduct on the basis of sex**, all of which jeopardize the equal access to education that Title IX is designed to protect.



Defining Sexual Harassment

Three types of misconduct against students:

1. Any instance of **quid pro quo** harassment by a school employee
2. Any **unwelcome conduct** that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access
3. Any instance of **sexual assault** (as defined in the Clery Act), **dating violence, or stalking** (as defined in the Violence Against Women Act)

Title IX Jurisdiction

- Schools must respond when sexual harassment occurs within the scope of a school's "education program or activity"
- Includes locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurred, whether such programs or activities occur on-campus or off-campus.
- For example:
 - On campus
 - Events before or after school
 - Extracurricular activities
 - Field trips
 - School bus

Introducing Title IX Coordinators

- Title IX Coordinators work to **ensure equity** for GCPS stakeholders – students, parents, employees, and community members.
- Title IX Coordinators are district leaders responsible for:
 - **Receiving** complaints of **sexual harassment**
 - **Coordinating** compliance with **Title IX**
 - **Receiving, investigating, and resolving** complaints of **discrimination**
- Every school and division has one designated Title IX Coordinator.

Georgia Code of Ethics for Educators

Unethical conduct includes but is not limited to:

1. Committing any act of child abuse, including physical and verbal abuse;
2. Committing any act of cruelty to children or any act of child endangerment;
3. Committing any sexual act with a student or soliciting such from a student;
4. Engaging in or permitting harassment of or misconduct toward a student that would violate a state or federal law;
5. Soliciting, encouraging, or consummating an inappropriate written, verbal, electronic, or physical relationship with a student;
6. Furnishing tobacco, alcohol, or illegal/unauthorized drugs to any student; or
7. Failing to prevent the use of alcohol or illegal or unauthorized drugs by students who are under the educator's supervision (including but not limited to at the educator's residence or any other private setting).

Reporting to Title IX Coordinators

Employees, volunteers, and all individuals authorized to work with students should notify Title IX Coordinators immediately whenever they are concerned about or alerted to:

- Any **unwanted sexual misconduct**, including physical contact, inappropriate comments, or potential bullying
- Whenever a student, parent, employee, or stakeholder reports or complains of **sexual harassment or sexual violence**
- Whenever they suspect or become aware of alleged **unethical conduct of a sexual nature by an employee towards a student**
- **Concerns about discrimination** against any student, employee, or stakeholder

Mandatory Reporting

Employees, volunteers, and all individuals authorized to work with students should **immediately** report any alleged **sexual misconduct by an employee against a student**. This includes, but is not limited to:

- Rumors generated by staff or students
- Concerns expressed by parents or members of the community about a child
- Behavior that might not be sexual in nature but raises suspicion, such as one-on-one interactions, texting, or overly friendly behavior
- Inappropriate behavior by employees, volunteers, or laypersons
- Employees, volunteers, or laycoaches placing themselves in compromising situations with students
- **ANY REPORT THAT A STUDENT HAS BEEN PURSUED, HARASSED, AND/OR MADE UNCOMFORTABLE BY AN EMPLOYEE, VOLUNTEER, OR LAYCOACH.**

Warning Signs in Adults:

Behaviors of adults who engage in sexual misconduct might include:

- Spending more free time with children than other adults
- Close personal relationships with students
- Singling students out for special attention or privileges
- Time alone with students
- Time in private spaces with students
- Flirtatious behavior with students
- Off-color remarks in class

Warning Signs in Adults:

Behaviors of adults who engage in sexual misconduct might include:

- Being too permissive with students and allowing misbehavior
- Engaging in peer-like behavior with students
- Giving gifts to students
- Oversharing personal information with students
- Touching, tickling, hugging, kissing, wrestling and/or holding students
- Exchanging personal notes, texts, e-mails, or other communications with students

Warning Signs:



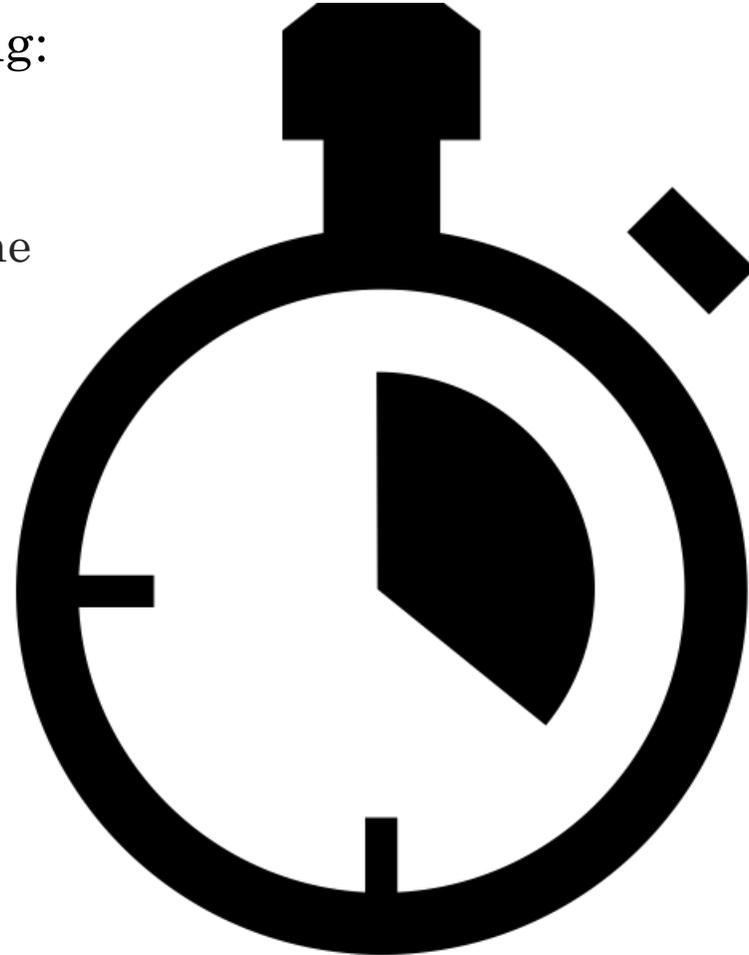
Whether there is any merit, **ANY of the warning signs** should be reported to an administrator.

Either they are indicative of inappropriate behavior, or they are unprofessional behaviors that need to be addressed.

Mandatory Reporting

Defining “immediately” in mandatory reporting:

- You may NOT wait until the next business day
- You may NOT simply tell another employee
- You MUST communicate the concern to someone with the authority to effectively address it
- You MUST choose an effective mode of communication



Mandatory Reporting

When you become aware of alleged **sexual harassment**, **or** have concerns about **employee-against-student misconduct**, follow these steps:

1. Reach out to your school or division Title IX Coordinator.
2. If a Title IX Coordinator is unavailable, reach out to the local school principal.

You can locate contact information for these individuals by accessing the local school website, or by contacting the local school directly.

Supervision Responsibilities:

Work with your team to eliminate compromising situations:

- Advise contractors/volunteers/lay persons that they should not be behind closed doors with individual students or small groups of students.
- Advise against social media relationships with students.
- Discourage overly-friendly or inappropriate joking/humor, and report inappropriate interactions to a principal or Title IX Coordinator.

Eliminating Compromising Situations

- Set clear boundaries for students
- Establish norms that prohibit loitering and promote increased supervision
- Immediately address any inappropriate behavior by students or their supervisors
- Do not let students change in non-designated changing areas

Stakeholder Rights

Remember, it is unlawful to discriminate against students, parents, employees, applicants, or other stakeholders **based on race, color, sex, religion, disability, age, national origin, or genetic information.**

As a GCPS stakeholder, remember that **if you feel you are being sexually harassed or discriminated against**, you have the right to report to your local school or local division Title IX Coordinator.

If you do not feel comfortable reporting your concerns to your local Title IX Coordinator, you should contact the **Department of Internal Resolution and Compliance, Title IX** at (678) 301-6811.



Retaliation

GCPS strictly prohibits retaliation against anyone because they have filed a complaint about discrimination or harassment, participated in an investigation into complaints about discrimination or harassment, or requested workplace accommodations.

Questions and Concerns

For more information about GCPS' policies and procedures on sexual harassment and nondiscrimination, please consult with your local Title IX Coordinator or the Department of Internal Resolution and Compliance, Title IX.