

## **ICAGeorgia's Title IX Formal Grievance Procedure to Resolve Issues of Sexual Harassment**

The International Charter Academy of Georgia, Inc. ("ICAGeorgia") is a 501(c)(3) nonprofit corporation organized pursuant to the provisions of the Georgia Nonprofit Corporation Code.

ICAGeorgia's Title IX grievance procedure provides for the prompt and equitable resolution of complaints alleging sexual harassment or harassment made by students, employees, or other individuals who are participating or attempting to participate in ICAGeorgia's education program or activity, or by ICAGeorgia's Title IX Coordinator.

ICAGeorgia, through the Title IX Coordinators, has jurisdiction over and the authority to receive, investigate, hear and resolve reports and/or complaints brought by or against any member of the ICAGeorgia community that invoke Title IX. The Title IX Coordinators are ultimately authorized to enact procedures that include specific instructions for reporting, investigating and resolving Title IX Complaints and Reports. The Title IX Coordinators is:

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**Please note that information about the sexual behavior, experiences, or abuse of minors may intersect with provisions of criminal law.** If a minor is involved in a dispute where sexual acts of/with minors are alleged, the ICAGeorgia may be required to involve law enforcement, the Department of Family and Children's Services, and/or outside counsel. No provision of Title IX allows ICAGeorgia to ignore its responsibilities under Georgia or Federal criminal law.

### **Definitions**

#### **Definition of Sexual Harassment**

Current Department of Education guidelines regarding Title IX purposefully do not contain a formal definition of sexual harassment. Instead, Title IX offers the following explanations of what conduct and policies are prohibited by law.

**Scope.** Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, limited to sexual harassment. For purposes of Title IX, prohibited conduct is limited to **sexual harassment**, which means:

- Quid pro quo harassment by an employee,

- Unwelcome conduct on the basis of sex that is so **severe, pervasive, and objectively offensive** that it effectively denies a person equal access to the school’s education program or activity, or
- Sexual assault, dating violence, domestic violence, or stalking.

**Prohibited Sexual Harassment.** Outside of the limited exceptions provided by Title IX, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient that receives Federal financial assistance.

In the limited circumstances in which Title IX permits different treatment or separation on the basis of sex, a recipient must not carry out such different treatment or separation in a manner that discriminates on the basis of sex by subjecting a person to more than de minimis harm. At ICAGeorgia, the only exception to this rule is for the allowance of single-sex athletic teams, as permitted by 34 C.F.R. § 106.41.

For purposes of Title IX, sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the school conditioning the provision of an aid, benefit, or service on an individual’s participation in unwelcome sexual conduct (quid pro quo harassment);
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 the school’s education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined in federal law.

Definition of Sexual Harassment

Current Department of Education guidelines define **sexual harassment** as including the following categories: specific offenses, quid pro quo harassment, and hostile environment harassment.

*Specific Offenses*

Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Specific offenses also include: dating violence, domestic violence, and stalking.

### *Quid Pro Quo Harassment*

An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

### *Hostile Environment Harassment*

Unwelcome sexual conduct that, based on the totality of the circumstances, is both subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment).

Whether a hostile environment has been created is a fact-specific inquiry, including consideration of:

1. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
2. The type, frequency, and duration of the conduct;
3. The parties' ages, roles within the education program or activity, previous interactions, and other relevant factors;
4. The location and context in which the conduct occurred; and
5. The existence of other sexual harassment in the education program or activity.

## **Complaints**

### **Sex Discrimination Complaints**

The following people have a right to make any complaint of **sex discrimination other than sexual harassment** and request that ICAGeorgia investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
  - a student or employee of ICAGeorgia who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of ICAGeorgia who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in ICAGeorgia's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- Any student or employee [of ABC School];

- Any person other than a student or employee who was participating or attempting to participate in ICAGeorgia’s education program or activity at the time of the alleged sex discrimination; or
- ICAGeorgia’s Title IX Coordinator.

Sexual Harassment Complaints

The following people have a right to make a complaint of **sexual harassment**:

- A “complainant,” which includes:
  - a student or employee of ICAGeorgia who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX; or
  - a person other than a student or employee of ICAGeorgia who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX at a time when that individual was participating or attempting to participate in ICAGeorgia’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- ICAGeorgia’s Title IX Coordinator initiating a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

Complaint Consolidation

If the allegations of sex discrimination arise out of the same facts or circumstances, ICAGeorgia may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party. When a grievance proceeding involves more than one party, references below include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures

ICAGeorgia will treat complainants and respondents **equitably**.

ICAGeorgia requires that any Title IX Coordinator, investigator, or decisionmaker **not have a conflict of interest or bias for or against** complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

ICAGeorgia presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Notice of Allegations

Upon initiation of ICAGeorgia’s Title IX grievance procedures, ICAGeorgia will provide a written notice of allegations to the parties that include the following:

- Notice of ICAGeorgia’s Title IX grievance procedures, including any informal resolution process;
- The allegations of sexual harassment potentially constituting Title IX sexual harassment including sufficient details known at the time (identities of the parties involved, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known);
- 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;
- Notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the parties may inspect and review evidence gathered; and
- Notice that ICAGeorgia’s code of conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, ICAGeorgia decides to investigate **additional allegations** of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, ICAGeorgia **will notify** the parties of the additional allegations.

### **Dismissal of a Complaint**

#### Dismissal

ICAGeorgia may dismiss a complaint of sex discrimination if:

- ICAGeorgia is **unable to identify** the respondent after taking reasonable steps to do so;
- The **respondent is not participating** in ICAGeorgia’s education program or activity and is not employed by ICAGeorgia;
- The **complainant voluntarily withdraws** any or all of the allegations in the complaint, the **Title IX Coordinator declines** to initiate a complaint, and ICAGeorgia determines that, without the complainant’s withdrawn allegations, whatever alleged conduct remains in the complaint **would not constitute sex discrimination** under Title IX even if proven; or
- ICAGeorgia determines the conduct alleged in the complaint, even if proven, would **not constitute sex discrimination** under Title IX. Before dismissing the complaint, ICAGeorgia will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, ICAGeorgia will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then ICAGeorgia will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

ICAGeorgia will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then ICAGeorgia will also notify the

respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

### Post-Dismissal

When a complaint is dismissed, ICAGeorgia will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other not deliberately indifferent steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within ICAGeorgia's education program or activity.

### Appeals

If the dismissal is appealed, ICAGeorgia will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

### Retaliation

Retaliation is prohibited.

Under Title IX, retaliation is defined as threatening, intimidating, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or the grievance process.

Retaliation is prohibited against any individual who has made a report, filed a complaint, testified, assisted, participated, or refused to participate in any aspect of the investigation or proceeding.

Complaints alleging retaliation may be filed with the Title IX Coordinator and will follow grievance procedures under Title IX, the Code of Student Conduct, or applicable ICAGeorgia policies and procedures.

If an individual alleges the Title IX Coordinator retaliated against them, they may file a complaint with the ICAGeorgia Board of Directors. The Board of Directors will then follow the appropriate grievance procedure to address the complaint.

### **Investigations**

ICAGeorgia will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on ICAGeorgia—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

ICAGeorgia will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

ICAGeorgia will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

ICAGeorgia will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- ICAGeorgia will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If ICAGeorgia provides a description of the evidence: ICAGeorgia will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- ICAGeorgia will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- ICAGeorgia will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

### **Questioning the Parties and Witnesses**

ICAGeorgia uses the following process to allow the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination:

1. Written notice of formal complaint is provided to all parties. Formal Complaint (signed by Complainant (or guardian) or Title IX Coordinator. Them, Notice of Allegations to both parties.

2. Investigator will gather evidence relevant to alleged misconduct.
3. Parties will be given notice to meet with the investigator at different times as specified, this notice will include who will be at the meeting and provided sufficient time to prepare.
4. After evidence is obtained during the investigation directly related to the allegations raised in the formal complaint, parties will have 10 days to review and submit a written response.
5. An investigative report will be submitted that considers any submitted written response. Parties will have 10 days to respond to the report.
6. Report will be provided to the decision maker (who is different from the investigator).
7. The decisionmaker will complete a question-and-answer phase.
8. The Decisionmaker will draft notice of determination- including whether responsible and rationale and sanctions if responsible.
9. Finally, the option of appeal from either party.

### **Evidence Gathering**

ICAGeorgia will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

### **Impermissible Evidence and Privacy**

#### *Privacy*

ICAGeorgia will take reasonable steps to **protect the privacy** of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

#### *Impermissible Evidence*

The following types of evidence, and questions seeking that evidence, are **impermissible** (*i.e.*, will not be accessed or considered, except by ICAGeorgia to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of

treatment to the party or witness, unless ICAGeorgia obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sexual harassment.
  - The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sexual harassment or preclude determination that sexual harassment occurred.

### **Determinations**

**Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, ICAGeorgia will:**

- Have the decision-maker **make a decision as to whether or not sex discrimination occurred** following the review of all relevant, permissible evidence.
  - Evidence will be reviewed using a "preponderance of the evidence" standard. Under the preponderance of the evidence standard, a decision-maker will only find the respondent responsible for sexual harassment if they determine that the evidence indicates it is more likely than not that the respondent engaged in the alleged conduct and that the alleged conduct constituted sexual harassment.
- Have the decision-maker **issue a written determination** to both parties that will include:
  - **Identification** of the allegations potentially constituting sexual harassment.
  - 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 evidence;
  - **Findings of fact** supporting the determination;
  - **Conclusions** regarding the application of this formal grievance process to the facts;
  - A statement of, and rationale for, the **result** as to each allegation, including:
    - A determination regarding responsibility;
    - Any disciplinary sanctions the decision maker imposes on the respondent; and
    - Whether remedies designed to restore or preserve equal access to Georgia's education program or activity will be provided to the complainant; and
  - Procedures and permissible bases for the parties to **appeal** the determination.

- **Not impose discipline on a respondent** for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.

**If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:**

- Coordinate the provision and implementation of **remedies** to a complainant and other people ICAGeorgia identifies as having had equal access to ICAGeorgia’s education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of **any disciplinary sanctions** on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate not deliberately indifferent steps to **ensure that sex discrimination does not continue or recur** within ICAGeorgia’s education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- **Not discipline** a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

### **Informal Resolution**

Informal resolutions are designed to resolve a complaint through means that do not involve adjudication or a full investigation, such as mediation. ICAGeorgia may facilitate an informal resolution only if a formal complaint is filed, both parties voluntarily agree in writing, and the allegations do not involve an employee allegedly harassing a student.

Both parties must consent to participate in the information resolution process. Participation in the information resolution process stops the formal grievance procedure.

Either party may withdraw from the information resolution process before a final resolution is reached. Withdrawing from the information resolution process restarts the formal grievance procedure.

ICAGeorgia will not offer or facilitate an informal resolution process to resolve allegations that an employee committed sexual harassment or harassment against a student.

**Before beginning an informal resolution process, ICAGeorgia will disclose the following in writing to both parties:**

- The allegations;
- The requirements of the informal resolution process, including the circumstances under which it precludes resuming a formal complaint based on the same allegations;
- That either party may withdraw from the informal resolution process at any time prior to reaching an agreement, at which point the formal grievance process will resume; and

- The consequences of participating in the informal resolution process, including the records that will be created and whether such records may be maintained or shared.

### **Supportive Measures**

ICAGeorgia will offer and coordinate supportive measures, as appropriate, to restore or preserve a complainant's or respondent's access to ICAGeorgia's education program or activity. These measures may also provide support during ICAGeorgia's Title IX grievance procedures or during the informal resolution process, which is only available once a formal complaint has been filed.

For complaints of sexual harassment, these supportive measures may include:

- Counseling
- Extensions of deadlines
- Other course-related adjustments
- Mutual restrictions on contact between the parties
- Leaves of absence for student complainants or respondents
- Increased security or monitoring of certain areas on campus

ICAGeorgia reserves the right to offer additional and/or different supportive measures to parties as appropriate.

Supportive measures are generally confidential, assuming that is possible.

### **Disciplinary Sanctions and Remedies**

In addition to the sanctions and remedies listed below, nothing in this grievance process will in any way limit or interfere with ICAGeorgia's ability to refer a situation or complaint to law enforcement or child protective services.

#### **Sanctions**

##### *Student Respondents*

Following a determination that a student respondent committed sexual harassment or harassment, ICAGeorgia may impose disciplinary sanctions and remedies, including:

- Detention or Saturday School
- In-School Suspension
- Out-of-School Suspension
- Permanent Expulsion from the activity or school

##### *Employee Respondents*

Following a determination that an employee respondent committed sexual harassment or harassment, ICAGeorgia may impose disciplinary sanctions and remedies.

For an employee respondent who has a contract for a definite term subject to the Fair Dismissal Act (O.C.G.A. §§ 20-2-940 *et seq.*) and has acquired tenure, the range of disciplinary sanctions include:

- Demotion to be effective for the subsequent contract term (for administrative personnel only, if the employee did not acquire tenure as an administrator on or before April 7, 1995)
- Recommendation for demotion to be effective during the current contract term
- Recommendation for suspension without pay
- Recommendation for demotion to be effective for the subsequent contract term (for administrators who acquired tenure as an administrator on or before April 7, 1995, and for teachers)
- Recommendation for termination of the current contract
- Recommendation for nonrenewal of contract
- Recommendation for a Letter of Reprimand issued by the Superintendent

For an employee respondent who has a contract for a definite term subject to the Fair Dismissal Act (O.C.G.A. §§ 20-2-940 *et seq.*) and has not acquired tenure, the range of disciplinary sanctions include:

- Demotion to be effective for the subsequent contract term
- Nonrenewal of contract
- Recommendation for suspension without pay, for a specified time period to be determined by the decision-maker
- Recommendation for termination of the current contract
- Recommendation for a Letter of Reprimand issued by the Superintendent

For an employee respondent who is subject to the Civil Service System pursuant to Administrative Regulation GCB-R-(1), the range of disciplinary sanctions include:

- Recommendation for suspension without pay, for a specified time period to be determined by the decision-maker
- Recommendation for demotion
- Recommendation for termination of employment

For any other employee respondent, disciplinary sanctions include:

- Suspension without pay
- Demotion
- Termination

### Remedies

ICAGeorgia may also provide remedies, which may include:

- Administrative conferences
- Counseling
- Restorative practices
- Letters of concern
- Letters of direction
- Requiring professional learning or additional training

- Administrative corrective action
- Professional development plans
- Referral to the Georgia Professional Standards Commission

## Appeals

The appeals process is the same regardless of whether the respondent is a student or employee.

## Grounds

Both parties may appeal from a determination regarding responsibility, or from a dismissal of a formal complaint or any allegations therein, on any of the following grounds:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available to the appealing party at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, Investigator, 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
- The discipline is inappropriate: too harsh, not harsh enough, incomplete, or incorrect.

ICAGeorgia reserves the right to offer an appeal equally to both parties on additional bases at its discretion.

## Requirements

Appeals from a Final Determination must:

- Be submitted in writing;
- Be received by the Title IX Coordinator within 5 calendar days (including weekends, but excluding days on which ICAGeorgia is closed due to a holiday) of the date that the written decision is provided to the parties;
- State the grounds for the appeal;
- Include the name of the appealing party;
- Bear evidence that it was submitted by the appealing party; and
- Contain a sufficient description supporting the grounds for appeal
  - If the grounds for appeal for the consideration of new evidence that could affect the outcome of the matter that was not reasonably available to the appealing party before or during the time of the decision, investigation, or the dismissal, then the written appeal must include such information.

The Title IX Coordinator retains discretion to verify and/or waive minor procedural variations in the timing and content of the appeal submission.

## Receipt

Upon receipt of an appeal, ICAGeorgia will:

- Notify the other party in writing when the appeal is filed and implement appeal procedures equally for both parties;
- Provide a copy of the appeal to the non-appealing party;
- Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the original determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- Ensure that the decision-maker(s) for the appeal does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent, and that the decision-maker(s) for the appeal has received the appropriate and necessary training; and
- Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the decision-maker.

## Responses

The nonappealing party may submit a statement that may seek to affirm the initial decision and/or respond to the appeal statement. A response statement must:

- Be submitted in writing; and
- Be received by the Title IX Coordinator within 5 calendar days (including weekends, but excluding days on which ICAGeorgia is closed due to a holiday) of the date that ICAGeorgia provided a copy of the appeal to the non-appealing party.

## Process

ICAGeorgia shall schedule an in-person hearing within 5 calendar days (excluding weekends and days on which ICAGeorgia is closed due to a holiday) of the deadline for the non-appealing party to submit a written statement.

At this hearing, parties may orally present their support of or opposition to the appeal. If a party is unable or unwilling to attend such a hearing, the appellate decision-maker will rely on that party's written submission.

In its discretion, and at the request of either party, ICAGeorgia may require or allow for a virtual hearing.

The Title IX Coordinator shall have discretion to impose or withhold any applicable sanctions or supportive measures prior to the appeal deadline and prior to the resolution of any appeal.

## Determinations

The appeal is determined based on the existing record, the parties' written appellate submissions and any oral presentation at the appellate hearing.

The appellate decision-maker(s) will issue a written decision to all parties containing the result of the appeal and the rationale.

The written decision will be issued within 5 calendar days following the close of the record (the later of the receipt of all appeals materials or date of a hearing).

The time frame may be extended in accordance with the rules governing extensions (see below).

The appeal shall determine whether the decision maker made an error on the grounds alleged in the appeal statement.

### Further Appeals

#### *For Student Respondents*

No further appeal is available under Title IX. However, should the Title IX appellate decision uphold a disciplinary sanction of at least 11 days of out-of-school suspension/expulsion, then the student who is subject to the disciplinary sanction may appeal the sanction to the International Charter Academy of Georgia Board of Directors pursuant to OCGA 20-2-754(c).

#### *For Employee Respondents*

No further appeal is available under Title IX. However, employees shall retain all rights under the Fair Dismissal Act and/or Civil Service System, as applicable. Any further procedures shall occur pursuant solely under either the Fair Dismissal Act and/or Civil Service System, as applicable.

### Timeframes

#### Initial Complaints, Investigations, and Determinations

ICAGeorgia has established the following timeframes for the major stages of grievance procedures:

- Complaints will be evaluated within **10 calendar days** (including weekends, but excluding days that ICAGeorgia is closed for holiday) of submission, at which point a decision of whether to dismiss or investigate the complaint will be made.
- ICAGeorgia will provide at least **3 calendar days'** notice to each party of the date, time, location, participants, and purposes of each investigative meeting which they are invited to participate in.
- Investigations will take no more than **10 calendar days**. At the end of the investigation period, ICAGeorgia will release a draft investigation report to all relevant parties.
- Parties will have **10 calendar days** to submit written responses to the draft investigation report. ICAGeorgia will then create a final investigative report that fairly summarizes the relevant evidence.

- Parties will have **5 calendar days** to submit a written response to the final investigative report.
- Determinations will be made no more than **120 calendar days** after the complaint is first filed.

### Appeals

ICAGeorgia allows students to appeal a decision made at the end of a formal grievance procedure and has established the following timeframes for an appeal:

- After a determination is made, parties have 5 calendar days to submit a written request for an appeal. If a party appeals, ICAGeorgia will notify the other party of the appeal and provide a copy of the appeal to the non-appealing party.
- If an appeal is filed, the non-appealing party will have 5 calendar days to submit a written statement seeking to affirm the initial decision and/or respond to the appeal.
- An in-person hearing on the appeal will be scheduled within 5 calendar days of the deadline for the non-appealing party to submit a statement.

### Extensions

ICAGeorgia has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis:

1. Complainant and/or Respondent must submit in writing to the Title IX Coordinator for an extension to a deadline or to pause the investigation or other stages of the grievance procedures.
2. Good reason must be provided that details the request
3. An extension will be considered if it does not unduly delay the process, which is considered to be a delay of three (3) or more business days.

Good cause 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. This is not an exhaustive list.

If the time frame is extended, ICAGeorgia will provide written notice to the parties of the delay or extension, and the reasons for the delay or extension.