



Policy Primer

A Guide to Current Policy Issues

IASB Special Release Policy Update: Title IX

On May 6, 2020, the United States Department of Education released final rulemaking which included addressing sexual harassment complaints under Title IX. The final rule updated interpretations to the receipt, investigation and resolution of sexual harassment complaints filed under Title IX. The rulemaking changes were sweeping and resulted in large scale changes for processing these claims. This rulemaking is effective for school districts and community colleges beginning August 14, 2020.

Due to the sweeping nature of the changes to Title IX rules and the impact they will have on districts, IASB partnered with Miriam Van Heukelem, Shareholder at Ahlers & Cooney P.C., to provide a new policy and supporting documents. Since the final rulemaking was announced in May, the attorneys at Ahlers & Cooney have extensively researched this topic and created the crucial documents in this *Primer*. This new policy and supporting documents are intended to provide one sample framework for addressing the federal changes to Title IX. Districts should work with their legal counsel to customize these documents to suit the needs of their community. Please contact Siobhan Schneider, IASB Policy/Legal Services Director with questions regarding these documents.

We have included a Title IX Sexual harassment Procedures Manual and Form Bank as supporting documents to accompany this sample policy. These supporting documents are not intended to be formally adopted into your district's policy reference manual, but rather as separate administrative level regulations that can be updated as needed.

NOTE: Only the Title IX policy is included with this *Primer* publication. To access the Title IX Procedures Manual and Form Bank please login into your online [Policy Reference Manual](#) subscription. A **new button** has been added titled **Title IX Resources** to access these ancillary documents.

Policy and Procedures Documents

New! 106 – Title IX - Discrimination and Harassment Based on Sex Prohibited

This policy is intended to clearly prohibit sexual harassment and discrimination in accordance with Title IX.

New! Title IX – Sexual Harassment Procedures Manual

The procedures manual guides district staff and individuals through the process for reporting, receiving, investigating and adjudicating complaints. The procedures manual includes specific guidance on how to approach this detailed process. It also provides notice for the school community about how complaints are processed and how evidence is gathered, considered and shared.

New! Title IX – Form Bank

The Form Bank provides sample forms for districts to consider adopting, which will be used during a sexual harassment investigation. Included with these sample forms are additional guidance on which forms are optional for districts and the reasoning for their use.

Reminder: The Procedures Manual and Form Bank documents are not included with this publication. Please log into your IASB *Policy Reference Manual* online subscription to access and download these supporting documents.

Note: *This publication is designed to provide accurate and authoritative information in regards to the subject matter covered. It is furnished with the understanding that IASB is not engaged in rendering legal or other professional services. If legal advice or other expert assistance is required, the services of a competent professional should be sought.*

DISCRIMINATION AND HARASSMENT BASED ON SEX PROHIBITED

In accordance with Title IX of the Education Amendments Act of 1972, the [NAME] Community School District prohibits sex discrimination, including sexual harassment as defined by the regulations implementing Title IX (34 C.F.R. § 106.30), against any individual participating in any education program or activity of the District. This prohibition on discrimination applies to students, employees, and applicants for employment.

The Board authorizes the Superintendent to adopt procedures for any individual to report sexual harassment to the District's Title IX Coordinator, for the provision of supportive measures to anyone who has been subjected to sexual harassment whether or not they proceed with a formal complaint under those procedures, and for the investigation and resolution of such complaints, as required by Title IX. This Title IX grievance process shall be used to respond to all complaints of sexual harassment that fall within the scope of Title IX. For complaints of sexual harassment that do not fall within the scope of Title IX, the District may still offer supportive measures to the subject of such conduct and shall apply any other policy or procedure applicable to the alleged conduct.

Any individual with questions about the District's Title IX policy and procedures, or who would like to make a report or file a formal complaint of sex discrimination or sexual harassment may contact the District's designated Title Coordinator, Aaron Burdorf, JK-8 Principal & Equity Coordinator, Shenandoah JK-8, 601 Dr. Creighton Circle, Shenandoah, IA 51601, (712) 246-2520, email burdorfa@shencsd.com

Retaliation against a person who made a report or complaint of sexual harassment, assisted, or participated in any manner in an investigation or resolution of a sexual harassment report or complaint is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the District's Title IX Coordinator.

Legal References: 20 U.S.C. § 1681 *et seq.*

34 C.F.R. § 106 *et seq.*

Approved _____

Reviewed _____

Revised _____