

TITLE IX TIPS AND TEMPLATES

ITEM C

CROSS-REFERENCING WITHIN OTHER POLICIES

1. There are other policies/administrative regulations (P/AR) that address conduct that could constitute sexual harassment under Title IX. In these instances, your Title IX grievance process must be followed, NOT the complaint/procedure in these other policies. Accordingly, I recommend that you insert language in those P/AR to point readers to your Title IX P/AR and grievance process if there is a chance that the misconduct arises to sexual harassment as defined under Title IX.
2. I recommend that you insert language into any other P/AR that may implicate sexual harassment under Title IX. This includes policies and administrative regulations addressing these topics, no matter how your district titles the policy:
 - Bullying and Cyber-Bullying under Safe and Respectful Learning Environments (e.g., P/AR GBB5)
 - Prevention of Sexual Misconduct Toward Students (e.g., P/AR GBB2)
 - Employee Bullying, Harassment, Intimidation and Discrimination (e.g., P/AR GBB6)
 - You may have others ...
3. Recommended language to insert into the P/ARs referenced above:

If the alleged [EXAMPLES depending on the policy: **bullying or cyber-bullying based on sex, or sexual misconduct toward students, or employee bullying, harassment, or sexual harassment**] could constitute sexual harassment under Title IX, the **XX** policy and administrative regulations apply rather than the **XX** policy and administrative regulations.¹ Because the school district must respond with specific steps whenever any employee has notice of sexual harassment under Title IX, all school district employees

¹ Sexual harassment is defined under the federal Title IX regulations as conduct on the basis of sex that satisfies one or more of the following:

- a. A school employee conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
- 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 school district's education program or activity; or
- c. Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act.

are required to report possible incidents of sexual harassment directly to the school district's Title IX Coordinator, **as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, including allegations of sexual harassment. Reports by school district employees must be made in person, by telephone, and/or by email** to the school district's Title IX Coordinator as follows:

Name and/or Title
[Fill In] School District
Address
City, State, Zip
Phone
Email Address

The school district's Title IX Coordinator will assist the employee [add: "in consultation with the school principal if the employee is not the principal" in the student bullying P/AR] to determine whether the allegation could constitute sexual harassment under Title IX, in which case Board Policy **XX** will be followed rather than Board Policy **XX**.

4. I also recommend that you reinforce mandatory reporting responsibilities, particularly in connection with your "Sexual Misconduct Toward Students" P/AR. In that particular policy, the reminder should specifically address the requirement when the sexual misconduct is by an employee or volunteer. For example:

If an employee or volunteer has reasonable cause to believe that **sexual misconduct toward students by an employee or volunteer** arises to abuse or neglect under NRS 432B and/or NRS 392.275 *et seq.*, such misconduct will be reported to law enforcement officials **and** Child Protective Service agency personnel in accordance with the procedures set forth in Board policies and regulations concerning mandatory reporting. These procedures are addressed in Board Policy **XX**.