**TITLE IX TIPS AND TEMPLATES**

**ITEM A**

**POLICY**

1. This policy and accompanying regulation (P/AR) are designed to be a nondiscrimination policy and complaint/grievance procedure that can be used to allege discrimination on the basis of any category protected under state or federal law.

2. Even a general nondiscrimination policy should include a specific reference to nondiscrimination on the basis of sex under Title IX.

3. Even a general nondiscrimination policy should include a specific reference to nondiscrimination on the basis of disability.

4. Retaliation itself is a form of discrimination and the nondiscrimination policy should include a prohibition on retaliation.

5. Many districts have separate P/AR to address a wide range of employee allegations for bullying, harassment, sexual harassment, intimidation, discrimination and/or retaliation. This template only includes a reference to one of them, but there could be more.

6. It is critical that your policy point readers to **your new Title IX sexual harassment** P/AR.

7. Districts have procedures to address student complaints of bullying and/or cyber­ bullying. This template includes a reference to your P/AR that prohibits bullying and/or cyber-bullying (you might call this a Safe & Respectful Learning Environment P/AR).

8. If the allegations arise to the level of Title IX sexual harassment, the bullying and/or cyber-bullying procedures will not apply. Instead **your new Title IX sexual harassment** P/AR will apply, so point readers to the new P/AR.

9. Many districts have a separate *PI*AR that outlines a procedure for filing complaints about disability-based discrimination, including harassment. If so, point readers to that P/AR.

10. Here is where you tell readers that unless one of the other specific P/AR applies, this P/AR can be used to file all other complaints alleging discrimination, including harassment.

11. Recent litigation demonstrates that many employees do not know that if sexual harassment arises to abuse or neglect under NRS 432B and/or NRS 392.275 *et seq.,* there are mandatory reporting obligations. It is a good idea to add this reminder to your nondiscrimination policy.1

12. Insert contact information for your Section 504 Coordinator

13. Insert contact information for "Title IX all other concerns" --- this is often the Director of Human Resources.

1 In 2017, mandatory reporting obligations were revised to add specific provisions in NRS 392.275 *et seq.* requiring all employees and volunteers to report any abuse or neglect under 432B, and sexual conduct in violation of 201.540, and luring in violation of 201.560- IF CAUSED BY ANOTHER EMPLOYEE OR VOLUNTEER- to both law enforcement **and** child welfare services. If you have not yet updated your P/AR regarding mandatory reporting, you should do so now.

**ADMINISTRATIVE REGULATION**

14. CRITICAL POINT: This AR contains the complaint/grievance procedure. If you do not make your ARs available to the public, then you must somehow combine this AR procedure with your POLICY. In other words, the complaint/grievance procedure cannot be inaccessible to the public.

15. This is the same official you listed for Item 13.

16. See items 5-9 in the POLICY.

17. This complaint procedure is just a template -you may already have a general discrimination complaint procedure. Just make sure it is clearly identified as such so that the public (and OCR) could find it easily. Remember, this complaint procedure can be used for allegations of discrimination based on sex, just not sexual harassment.

18. Same official you listed for Items 13 and 15.

19. This template suggests that the Director of Human Resources or designee will conduct the investigation and respond. It can be any official you wish.

20. This template suggests that the resolution will be reached in 60 calendar days. That isn't a legal requirement, and it can be whatever you choose that is reasonably prompt. Consider timelines you have established in other P/AR where you have discretion. Remember, in your bullying and cyber-bullying policy, timelines are shorter (except sexual assault).

21. This template suggests that the Superintendent will decide appeals. It can be any official you wish who is a superior to the person who does the initial investigation/decision­ making.

22. This template suggests a business-day timeline for reaching a decision on appeal. That isn't a legal requirement, and it can be whatever you choose that is reasonably prompt. As above, consider appeal timelines you have in other P/AR.