

First Reading of New Policy 106 Discrimination and Harassment Based on Sex Prohibited

Background:

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, the Iowa Association of School Boards (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 the IASB Policy Primer. This new policy and supporting documents are intended to provide one sample framework for addressing the federal changes to Title IX.

IASB has 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.

Recommended Action:

I recommend the board move to approve the first reading of new school board policy 106 Discrimination and Harassment Based on Sex Prohibited.

DISCRIMINATION AND HARASSMENT BASED ON SEX PROHIBITED

In accordance with Title IX of the Education Amendments Act of 1972, the Belmond-Klemme 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, Activities Director Scott Meyer, 411 10th Avenue NE, Belmond, IA 50421, 641-444-4300 x2129, and scott.meyer@bkcsd.org.

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 Reference: 20 U.S.C. § 1681 *et seq.*
34 C.F.R. § 106 *et seq.*

Date of Adoption: 10-15-2020 Reviewed: _____ Revised: _____