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The Solution Starts Here.

Title IX Sexual Harassment Policy Checklist

As we reviewed in a previous [Legal Update](#), the U.S. Department of Education issued new Title IX regulations establishing requirements for a school district's response to reports of sexual harassment in its programs or activities. The new regulations went into effect on August 14, 2020, as schools were inundated with issues related to COVID-19 and school reopening plans.

This Legal Update provides a basic checklist for school districts to consult when developing and implementing their new Title IX Sexual Harassment policies, annual notices, and staff trainings. It is important to note that the below checklist is not exhaustive, but it provides a general overview of the key steps school districts should have taken or should be taking as we begin the new school year.

Develop a Title IX Sexual Harassment Policy.

The new regulations require school districts to have a policy that contains the school's grievance process for resolving complaints of sexual harassment under Title IX. We recommend that this policy be a standalone policy, distinct from more general nondiscrimination or harassment policies. Related policies should be revised as appropriate to clarify the interrelationship between those policies and the Title IX Sexual Harassment Policy.

Designate a Title IX Coordinator.

The new regulations require school districts to designate at least one Title IX Coordinator and authorize that individual to ensure the school or District's compliance with Title IX. The position must be called "Title IX Coordinator." The Title IX Coordinator's contact information must be included within the Title IX policy and annual notice of nondiscrimination.

Consider other Title IX personnel.

In addition to the Title IX Coordinator, there are other individuals who play key roles throughout the grievance process. For example, an investigator (who may be the same person as the Title IX Coordinator), a decision-maker (who may not be the same person as the Title IX Coordinator or investigator), and an appeals decision-maker. Although these individuals do not have to be named in the policy, we recommend considering who will potentially serve in each role, as that decision may impact the designation of the Title IX Coordinator and determine who receives training.

Notify Employees, Applicants, Students, and Parents.

School districts must notify employees, students, parents, applicants for employment and admission, and unions with collective bargaining agreements with the district of the following:

- The name or title and contact information of the Title IX Coordinator(s);
- That the school district does not discriminate on the basis of sex in its education programs or activities, including in admission and employment, and that the school district is required by Title IX and its regulations not to discriminate in such a manner.
- The school district's Title IX grievance procedures, including how to report or file a complaint.

Annual notices of nondiscrimination and other statements of nondiscrimination in policies, websites, handbooks, and other district publications should be reviewed and revised as appropriate.

Train Title IX personnel.

The new regulations require all Title IX personnel (Title IX Coordinators, investigators, decision-makers, and facilitators of informal resolution processes) to receive Title IX training that covers specific definitions contained within the policy, how to conduct an investigation and complete the grievance process, issues of relevancy, and how to serve impartially.

Train all school staff on the definition of sexual harassment, the definition of actual knowledge, and how to report allegations of sexual harassment.

Other staff not serving in the above roles are not required to receive training, but keep in mind that if any school employee receives notice of allegations of sexual harassment, that triggers the school district's obligation to respond under Title IX. Therefore, we recommend that all school staff receive limited training on the definition of sexual harassment and what to do if they receive notice of allegations of sexual harassment.

Publish Title IX materials.

The final rule requires all Title IX policies to be published on the District's website and in applicable handbooks. Additionally, any Title IX training materials used should also be published on the District's website for the public to access.