

Idaho State Board of Education

GOVERNING POLICIES AND PROCEDURES

SECTION: I. GENERAL GOVERNING POLICIES AND PROCEDURES

SUBSECTION: T. Title IX

December 2020

1. This subsection shall apply to the University of Idaho, Boise State University, Idaho State University, Lewis-Clark State College, College of Eastern Idaho, College of Southern Idaho, College of Western Idaho, and North Idaho College (hereinafter "Institutions").

Title IX of the Education Amendments of 1972 and its implementing regulations, 34 C.F.R. Part 106 ("Title IX"), prohibit discrimination on the basis of sex in federally funded education programs and activities. Title IX protects students, employees, applicants for admission and employment, and campus visitors from all forms of discrimination on the basis of sex, including sexual harassment as defined in 34 C.F.R. § 106.30, and retaliation as defined in 34 C.F.R. § 106.71.

This Policy is intended to supplement, not duplicate, the Title IX regulations in 34 C.F.R. Part 106 addressing allegations of sexual harassment. Institutions should go beyond the requirements of this policy as necessary to address Title IX issues unique to individual campus populations so that students are able to fully receive the benefits of educational programs.

2. Institution Title IX policies.

Each institution shall publish its Title IX policies and procedures for students, staff and faculty. Such policies and procedures shall be updated as necessary and appropriate to comply with Title IX and guidance from the U.S. Department of Education's Office of Civil Rights (OCR). Title IX coordinators shall be involved in the drafting and revision of such policies to ensure compliance with Title IX. If an institution is represented by legal counsel, its attorney also shall review the institution's policies for compliance with Title IX and OCR guidance. Policies shall clearly describe the process for resolving allegations of sexual harassment.

3. Notification of institution Title IX policy and resources.

Notification of an institution's Title IX policy and resources shall be readily accessible. Institutions shall ensure that the notices of nondiscrimination on the basis of sex required by Title IX are placed prominently on their website home pages, in addition to the placement of notices in offices where students receive services, and included in printed publications for general distribution. Webpage notices shall include easily accessible links to all applicable institution policies as well as a clear and succinct direction regarding:

- reporting allegations of sexual harassment or discrimination on the basis of sex
- supportive measures available for complainants and respondents in cases in which the institution has actual knowledge of a report of sexual harassment

- the investigation and hearing process, including appeal rights, and all applicable time frames
- the institution's Title IX coordinator, including the Title IX coordinator's name and contact information

4. Title IX Coordinators.

Each institution shall designate a Title IX Coordinator who shall be an integral part of an institution's systematic approach to ensuring Title IX compliance. Title IX coordinators shall have the institutional authority and resources necessary to promote an educational environment that is free of discrimination on the basis of sex, which includes stopping any harassment and preventing any reoccurring harassment, as well as the authority to implement supportive measures during an investigation to restore or preserve equal access to the institution's education program or activity, protect the safety of all parties or the institution's education environment, or deter sexual harassment..

Institutions are encouraged to facilitate regular communication between Title IX coordinators in order for them to share best practices and training resources.

5. Education of Students and Training to Prevent Sexual Violence.

Institutions shall implement evidence informed strategies that seek to prevent sexual harassment, sexual assault, gender based violence and high-risk activities, including alcohol education programming and other student outreach efforts (e.g. bystander education programming). Data shall be collected from an institution's constituency on a regular basis to evaluate and improve on the institution's efforts to prevent sexual discrimination.

6. Education of parties receiving or adjudicating allegations of sexual harassment.

All employees shall receive training pertaining to Title IX and the institution's Title IX policy. Employees likely to witness or receive reports of sexual harassment shall receive enhanced training which, at a minimum, includes the requirements of Title IX, the proper method for reporting sexual harassment, and the institution's responsibilities for responding to reports of sexual harassment. Institution employees who will likely require enhanced training include: Title IX coordinators, campus law enforcement personnel, student conduct board members, student affairs personnel, academic advisors, residential housing advisors, and coaches. All employees who learn of an allegation of sexual harassment (and are not required by law to maintain the confidentiality of the disclosure, such as licensed medical professionals or counselors) are required to report it to the Title IX coordinator within 24 hours.

Fact finders and decision makers involving resolution allegations of sexual harassment shall also have adequate training or knowledge regarding sexual assault, including the interpretation of relevant medical and forensic evidence.

Institutions shall also comply with the training requirements in 34 C.F.R. § 106.45(b)(1)(iii).

7. Investigation and resolution of allegations of sexual harassment.

An institution's response to allegations of sexual harassment shall in all respects comply with the requirements of 34. C.F.R. Part 106. An institution's policy shall require the decision maker to use a preponderance of the evidence standard in determining whether the respondent committed the alleged sexual harassment.

In cases involving a student-respondent, withdrawal from the institution shall not be used as a method to avoid completion of the investigation.

8. Disciplinary Actions

If any person is found to have committed an act of sexual harassment (as defined in 34. C.F.R. § 106.30) in violation of an institution's policy, disciplinary action shall be imposed in accordance with the institution's policy for resolving allegations of sexual harassment. If a student is suspended or expelled, that action shall be noted in the student's education records and communicated to a subsequent institution at which the student seeks to enroll, provided that the subsequent institution or student has requested the student's education record from the prior institution.

9. Appeals

Notwithstanding any other policy to the contrary, all decisions regarding allegations of sexual harassment (as defined in 34 C.F.R. § 106.30) rest solely with the institution and are not appealable to the Board, regardless of the complainant's or respondent's status as an employee, student, or other affiliation with the institution.