

I. PURPOSE

Students are protected from discrimination on the basis of gender pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of gender.

II. GENERAL STATEMENT OF POLICY

- A. NWSISD provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of gender. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the district on the basis of gender.
- B. It is the responsibility of every NWSISD employee to comply with this policy.
- C. Any student, parent or guardian having questions regarding this policy should discuss it with NWSISD's Executive Director, or their home school district's designated human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. The school board hereby designates the NWSISD Executive Director as its human rights officer to receive reports, complaints or grievances of unlawful gender discrimination toward a student. If the complaint involves the human rights officer, the complaint shall be filed directly with the Chair of the Joint Powers Board.
- B. Any student who believes he or she has been the victim of unlawful gender discrimination by a NWSISD employee, or any person with knowledge or belief of conduct which may constitute unlawful gender discrimination toward a student, should report the alleged acts immediately to NWSISD's human rights officer or the student's home school district's human rights officer, or she/he may file a grievance with NWSISD or their home school district. NWSISD encourages the reporting party or complainant to use the report form available from employee at each NWSISD program or activity site, or available from NWSISD's administrative office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful gender discrimination toward a student directly to NWSISD'S Executive Director.
- C. At Each NWSISD Program or Activity Site, NWSISD employees are responsible for receiving oral or written reports or grievances of unlawful gender discrimination toward a student. Any NWSISD employee who receives a report of unlawful gender discrimination toward a student shall inform NWSISD's Executive Director immediately.
- D. Upon receipt of a report or grievance, a NWSISD employee must notify the district's Executive Director immediately, without screening or investigating the report. NWSISD's Executive Director may request, but may not insist upon a written complaint. The NWSISD employee will forward a written statement of the facts alleged as soon as practicable to the Executive Director. If the report was given verbally, the NWSISD employee shall personally reduce it to written form within 24 hours and forward it to NWSISD's Executive Director. Failure to forward any report or complaint of unlawful gender discrimination toward a student, as provided herein, may result in disciplinary action against that NWSISD employee. If the complaint involves a NWSISD employee, the complaint may be made or filed directly with the Executive Director by the reporting party or complainant.
- E. Students may report allegations of gender discrimination by NWSISD employees to the human rights officer or other staff of their home school district. Employees from the student's home school district shall complete a Report of Unlawful Gender (Sex) Discrimination Toward a

Student and forward it to the NWSISD Executive Director within 24 hours of receiving the report.

- F. If a NWSISD employee receives a report of gender discrimination of a student by an employee from the student's home school district, a report regarding the alleged discrimination shall be made to the human rights officer of the student's home school district.
- G. NWSISD shall conspicuously post the name of the human rights officer, including mailing addresses and telephone numbers.
- H. Submission of a complaint, grievance or report of unlawful gender discrimination toward a student, made in good faith, will not affect the complainant or reporter's future employment, grades or work assignments.
- I. Use of formal reporting forms is not mandatory.
- J. NWSISD will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with NWSISD's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of NWSISD, the Executive Director, upon receipt of a report, complaint or grievance alleging unlawful gender discrimination toward a student by a NWSISD employee, shall promptly undertake or authorize an investigation. The investigation may be conducted by a NWSISD employee or by a third party designated by the district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, NWSISD should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, NWSISD may take immediate steps, at its discretion, to protect the complainant, NWSISD students and employees pending completion of an investigation of alleged unlawful gender discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The Executive Director shall make a written report upon completion of the investigation. If the complaint involves the Executive Director, the report may be filed directly with the Chair of the Joint Powers Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

V. NWSISD ACTION

- A. Upon conclusion of the investigation and receipt of a report, NWSISD will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. NWSISD action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and NWSISD policies.
- B. The result of NWSISD's investigation of each complaint filed under these procedures will be reported in writing to the complainant by NWSISD in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

NWSISD will discipline or take appropriate action against any NWSISD student or employee who retaliates against any person who reports alleged unlawful gender discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful gender discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES.

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law, or contacting the Office of Civil Rights for the United States Department of Education.

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all NWSISD parents/guardians of students, employees, employee unions, and organizations.
- B. NWSISD shall review this policy and the district’s operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References:

Minn. Stat. § 121A.04 (Athletic Programs; sex discrimination)
Minn. Stat. Ch. 363 (Minnesota Human Rights Act)
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

Cross References:

NWSISD Policy 102 (Equal Educational Opportunity)
NWSISD Policy 413 (Harassment and Violence)
NWSISD Policy 506 Student Discipline
MSBA/MASA Model Policy 528 (Student Parental, Family and Marital Status Nondiscrimination)

Adopted: March 19, 2003
Revised: August 17, 2011
June 19, 2019
May 17, 2023

SCHOOL DISTRICT # 6078
UNLAWFUL GENDER DISCRIMINATION TOWARD A STUDENT

General Statement of Policy Prohibiting Unlawful Gender Discrimination Toward a Student

Independent School District No. 6078 maintains a firm policy prohibiting all forms of unlawful gender discrimination. All students are to be treated with respect and dignity. Unlawful gender discrimination by any district staff will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Home Phone _____

Work Phone _____

Date of Alleged Incident(s): _____

Name of person you believe unlawfully discriminated toward you or a student on the basis of gender: _____

If the alleged unlawful gender discrimination was toward another person, identify that person:

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary):

Where and when did the incident(s) occur:

List any witnesses that were present:

This complaint is filed based on my honest belief that _____ has unlawfully discriminated against me or a student on the basis of gender. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by:

(Name, Title)

(Date)