

Policy #: 522
Title: STUDENT SEX, GENDER, GENDER IDENTITY NONDISCRIMINATION
Date of Initial Approval: 05-03-2007
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Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services

I. PURPOSE

Students are protected from discrimination on the basis of sex and gender/gender identity 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 sex, gender, or gender identity.

II. GENERAL STATEMENT OF POLICY

- A. The Minnesota State Academies (MSA) provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of sex, gender, or gender identity. 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 school district on the basis of sex, gender, or gender identity.
- B. It is the responsibility of every MSA employee to comply with this policy.
- C. The MSA Governing Board hereby designates the Superintendent as its Title IX coordinator. This employee coordinates the MSA efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex, gender, or gender identity discrimination by a teacher, administrator or other school employee, or any person with knowledge or belief of conduct which may constitute unlawful sex, gender, or gender identity discrimination toward a student should report the alleged acts immediately to an appropriate MSA official designated by this policy or may file a grievance. MSA encourages the reporting party or complainant to use the report form available from the Director of each school or available from the Superintendent's office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex, gender, or gender identity discrimination toward a student directly to a school district human rights officer or to the Superintendent.
- B. At MSAB or MSAD. The Director is the person responsible for receiving oral or written reports or grievances of unlawful sex, gender, or gender identity discrimination toward a student at MSAB or MSAD. Any MSA employee who receives a report of unlawful sex, gender, or gender identity discrimination toward a student shall inform the Director immediately.

- C. Upon receipt of a report or grievance, the Director must notify the MSA human rights officer immediately, without screening or investigating the report. The Director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the director to the human rights officer. If the report was given verbally, the director shall personally document it into written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex, gender, or gender identity discrimination toward a student as provided herein may result in disciplinary action against the director. If the complaint involves the director, the complaint shall be made or filed directly with the Superintendent or the MSA human rights officer by the reporting party or complainant.
- D. The MSA board hereby designates the MSA's Human Resources Coordinator as the MSA human rights officer to receive reports, complaints or grievances of unlawful sex, gender, or gender identity discrimination toward a student. If the complaint involves the human rights officer, the complaint shall be filed directly with the Superintendent.
- E. MSA shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers
- F. Submission of a good faith complaint, grievance or report of unlawful sex, gender, or gender identity discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. MSA 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 the MSA's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of MSA, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex, gender, or gender identity discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by MSA officials or by a third party designated by MSA.
- 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, MSA 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, MSA may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators, or other school personnel pending

completion of an investigation of alleged unlawful sex, gender, or gender identity discrimination toward a student.

- E. The investigation will be completed as soon as practicable. MSA's human rights officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the MSA Governing 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. MINNESOTA STATE ACADEMIES ACTION

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

VI. REPRISAL

MSA will discipline or take appropriate action against any pupil, teacher, administrator or other Academies personnel who retaliates against any person who reports alleged unlawful sex, gender, or gender identity 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 sex, gender, or gender identity 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 students, parents/guardians of students, staff members, employee unions and organizations.
- B. MSA shall review this policy and the school 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, Gender, or Gender Identity Discrimination)
Minn. Stat. Ch. 363A (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)

Cross References:

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)
MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Appendices:

Appendix 522-A (Report Form)