

INDEPENDENT SCHOOL DISTRICT 271
Bloomington, Minnesota


REQUEST FOR SCHOOL BOARD ACTION

DATE OF BOARD MEETING: October 23, 2017
SUBJECT: Revised Policy 522, Student Sex Nondiscrimination
ORIGINATING DEPARTMENT: Academic Services
APPROVAL OF ADMINISTRATIVE CABINET MEMBER: Eric Melbye
Assistant Superintendent

RESOLUTION FOR BOARD TO ADOPT:

RESOLVED, that the School Board of Independent School District 271 approves revised Policy 522, Student Sex Nondiscrimination.

RECOMMENDATION OF SUPERINTENDENT:

Approve. 

BACKGROUND:

The purpose of Policy 522 is to provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex or sexual orientation pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act.

On October 16, 2017, the School Board Policy Committee reviewed revised Policy 522, prepared using the model MSBA policy and presented by Administration. The committee discussed the draft revisions.

Two additional edits were made by the committee and are reflected in the revised policy being recommended for approval.

This policy is mandatory according to the Minnesota School Boards Association (MSBA).

Adopted: August 25, 2008
Board Revised: October 23, 2017 [MSBA Mandatory Policy Modified]
Contact Person: Assistant Superintendent

POLICY 522 STUDENT SEX NONDISCRIMINATION

I. PURPOSE

To provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex or sexual orientation pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act.

II. GENERAL STATEMENT OF POLICY

- A. The District provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. 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 or sexual orientation.
- B. It is the responsibility of every employee to comply with this policy.
- C. Any student, parent or guardian having questions regarding 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.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex or sexual orientation discrimination by a teacher, administrator or other District personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate District official designated by this policy or may file a grievance. The District encourages the reporting party or complainant to use the report form available from the Principal or Site Leader of each building or available from the District office, but oral reports shall be considered

complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex or sexual orientation discrimination toward a student directly to a District Human Rights Officer or to the Superintendent.

- B. The building Principal or Site Leader is the person responsible for receiving oral or written reports or grievances of unlawful sex or sexual orientation discrimination toward a student at the building level. Any adult District personnel who receive a report of unlawful sex or sexual orientation discrimination toward a student shall inform the building Principal or Site Leader immediately.
- C. Upon receipt of a report or grievance, the Principal or Site Leader must notify the District Assistant Superintendent and District Human Rights Officer immediately, without screening or investigating the report. The Principal or Site Leader may request, but may not insist upon a written complaint. The Principal or Site Leader will forward a written statement of the facts alleged to the Assistant Superintendent as soon as practicable. If the report was given verbally, the Principal or Site Leader shall personally reduce it to written form within 24 hours and forward it to the Assistant Superintendent. Failure to forward any report or complaint of unlawful sex or sexual orientation discrimination toward a student as provided herein may result in disciplinary action against the Principal or Site Leader. If the complaint involves the building Principal or Site Leader, the complaint shall be made or filed directly with the Superintendent or the District Assistant Superintendent by the reporting party or complainant.
- D. The School Board hereby designates the Assistant Superintendent, 1350 West 106th Street, Bloomington, MN, 55431 (952) 681-6478, as the Independent School District 271 Title IX Coordinator to receive reports and complaints or grievances of unlawful sex or sexual orientation discrimination toward a student. If the complaint involves the Title IX Coordinator the complaint shall be filed directly with the Superintendent.
- E. The District shall conspicuously post the name of the Title IX Coordinator, including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex or sexual orientation 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. The District 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 school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of Independent School District 271, the Title IX Coordinator, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by District officials 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, the District 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, the District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex or sexual orientation discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The District Title IX Coordinator 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 School 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. SCHOOL DISTRICT ACTION

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

VI. REPRISAL

The District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex or sexual orientation 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 or sexual orientation 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 REVIEW

- A. This policy shall be made available to all students, parents/guardians of students, staff members, employee unions and organizations.

- B. The District shall review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.