

Adopted: July 27, 2017 _____

MTCS Policy 522
MSBA Orig. 1995
Rev. 2003

Revised: _____

522 STUDENT SEX NONDISCRIMINATION

I. PURPOSE

Students are protected from discrimination on the basis of sex 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.

II. GENERAL STATEMENT OF POLICY

- A. Minnesota Transitions Charter School (MTCS) 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 MTCS on the basis of sex.
- B. Every MTCS employee shall be responsible for complying with this policy.
- C. The MTCS Board hereby designates Jeff Monsrud, 2872 26th Avenue South, Minneapolis, MN 55406, (612) 722-9013, jmonsrud@emailmtcs.org, as its Title IX coordinator. This employee coordinates MTCS's 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 MTCS human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator, or other MTCS 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 MTCS official designated by this policy or may file a grievance. MTCS encourages the reporting party or complainant to use the report form available from the principal/director of each building or available from the MTCS

office, but oral reports shall be considered complaints as well. MTCS encourages the reporting party or complainant to make a report or file a grievance within thirty (30) days of the alleged violation whenever possible. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a MTCS human rights officer or to the Superintendent.

- B. In Each School Building. The building principal/director is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult MTCS personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal/director immediately.
- C. Upon receipt of a report or grievance, the principal must notify the MTCS human rights officer immediately, without screening or investigating the report. The principal 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 principal/director to the human rights officer. If the report was given verbally, the principal/director shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal/director. If the complaint involves the building principal/director, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant.
- D. The MTCS Board hereby designates Jeff Monsrud as the MTCS human rights officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the Superintendent.
- E. MTCS shall conspicuously post the names of the Title IX coordinator and human rights officer(s), including office addresses and telephone numbers and work e-mail addresses.
- F. Submission of a good faith complaint, grievance, or report of unlawful sex 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. MTCS 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 MTCS' legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of MTCS, the human rights officer, 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 MTCS officials or by a third party designated by MTCS.
- 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 MTCS 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, MTCS 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 discrimination toward a student.
- E. The investigation will be completed within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. The MTCS human rights officer or the individual designated to conduct the investigation 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 MTCS 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.
- F. The result of MTCS' investigation of each complaint filed under these procedures will be reported in writing to the complainant by MTCS in accordance with state and federal law regarding data or records privacy.
- G. In the event the complainant does not believe that the complaint has been resolved to his or her satisfaction, he or she may appeal to the human rights officer. If the human rights officer (as opposed to some other individual designated by MTCS) conducted the investigation, the appeal may be filed directly with the MTCS Board chair. An appeal must be made within ten (10) school days of receipt of MTCS' report in writing.
- H. The human rights officer shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and respond in writing to the complainant to the extent allowed by law. If the human rights officer conducted the investigation, this review shall be conducted by the

MTCS Board chair. The decision of the human rights officer (or of the Board chair if that individual conducted the review) is final but does not prohibit a complainant from pursuing alternative complaint procedures as discussed in Section VII below.

- I. Nothing in this policy prohibits a complainant from pursuing alternative complaint procedures as discussed in Section VII below.

V. MTCS ACTION

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

VI. REPRISAL

MTCS 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 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 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.

U.S. Department of Education
Office for Civil Rights, Region V
500 W. Madison Street – Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
Fax: 312-730-1576
Email: OCR.Chicago@ed.gov

MN Department of Human Rights
Freeman Building
625 Robert Street North
St. Paul, MN 55155
Tel: 651-539-1100
Toll-free: 1-800-657-3704
Fax: 651-296-9042
Email: Info.MDHR@state.mn.us

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. MTCS shall review this policy and MTCS'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. 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: MTCS Policy 102 (Equal Educational Opportunity)
MTCS Policy 413 (Harassment and Violence)