

BANAADIR ELEMENTARY



2021-22 HANDBOOK

Part of MTCS K-12



All the photographs in this planner are or were students of one of the K-12 Minnesota Transitions Charter School programs. We are so proud of our students, and how hard they work to reach their academic goals.

The mission of Minnesota Transitions Charter School is:

We are a student-centered learning community that inspires and supports all learners to achieve excellence through equitable, relevant learning experiences.

That means we are dedicated to working with each student, being responsive to their needs and creating programs so every kind of learner, no matter where they've been or where they're going, finds the support and opportunity to reach their goals in school and in life.





Welcome to the 2021-2022 School year at
Banaadir Elementary K-4
MTCS | K-12 Academic Community

The Minnesota Transitions Charter School's core purpose is to empower each student and ensure that all students acquire the skills and knowledge necessary to experience success in their future.

Minnesota Transitions Charter School is a student-centered learning community that inspires and supports all learners to achieve excellence through equitable, relevant learning experiences.

MTCS Core Values

- Be Respectful
- Be Responsible
- Appreciate and Celebrate Diversity
- Have Integrity
- Have Compassion for Others

Banaadir Elementary Mission Statement

Our Banaadir Elementary community is dedicated to creating diversified experiences through the intellectual, personal, social, emotional, and physical growth of our students. Through building relationships, students discover their potential, achieve readiness for college and careers, and succeed in a safe and caring environment.

Vision:

At Banaadir Elementary, we prepare and motivate our students for a rapidly changing world by instilling in them critical thinking skills, a global perspective, and the ability to be life-long learners.

Goals of Banaadir Elementary

1. Develop positive self-esteem and interpersonal relationships
2. Continue building academic competencies and critical thinking skills
3. Practice problem solving and decision making
4. Explore aptitudes, interests, and creative abilities
5. Develop a sense of responsibility to themselves, their home and their community

Banaadir Elementary

Grades K-4

1800 NE 2nd Street

Minneapolis, MN 55418

Main Office: 612-612-724-4680

Fax: 612-729-0536

MTCS: 612-722-9013

Transportation: 612-695 5017

banaadirelementary@emailmtcs.org

School Hours: 7:30 am-2:30 pm

Office Hours: 7:00 am-3:00 pm

Please Note: Students will be allowed in the building at 7:20 am. Students who are not under the supervision of an adult are asked to leave the building promptly after dismissal. Teachers have meetings both before and after school and are not available to supervise students.



A Note from the Director of Banaadir Elementary K-4

Dear Banaadir Families and Students,

Welcome to the 2021-2022 school year! We are excited for the school year to begin. This handbook has been created for you to have a deeper understanding of Banaadir Elementary, and answer many of your questions.

The calendar is here for your convenience, so that you can plan and prepare for upcoming events during the school year. As you will see, some dates are already included, but there will be many more that will be added as the year goes on.

Here at Banaadir Elementary, we welcome and value your input into your child's education. Our work is a shared responsibility that is built upon academic outcomes through healthy relationships and trust. We look forward to getting to know you and your child/children.

If there is anything that we can do for you or your family, please do not hesitate to stop in and see us, connect with a phone call or send an email. We have an open door policy, which means, "All Are Welcome!"

Here's to a successful school year!

Sincerely,
Khaleef Warsame
Director Banaadir Elementary
khaleef.warsame@emailmcs.org



Dear Students and Families,

Welcome to the 2021 and 2022 school year at Minnesota Transitions Charter School. We are so thrilled to have you as part of our school community.

In the beginning (twenty five years ago!) we chose the name of our District with the word *transitions* included, because we believe that each of us will make many transitions in our lives, and preparing for them will make us more successful and better prepared for college, careers and life.

This school year is another transition, with an opportunity for a fresh, new start. Whether in classrooms, or distance and online learning, we are grateful to be back together. We continue to adapt and grow to meet the needs of all our students however and wherever we are learning together. Keeping students safe and learning is our top priority. Together we are stronger.

Please read through this handbook and familiarize yourself with the expectations of your particular school, as well as the District. The handbook provides you a guide to navigate school culture. Visit MTCS.org where our policies are listed, and handbooks are posted. You may also call the MTCS office at (612)722-9013. Please do not hesitate to ask for help. We care about your success.

We are honored you have chosen us as your school and we look forward to being your partner on your education journey. We believe in you.

Sincerely, your Executive Directors,

A handwritten signature in black ink that reads "Shawn Fondow". The signature is fluid and cursive, with a long, sweeping underline.

Shawn Fondow
Interim Executive Director
Co-Principal, MTS Secondary

A handwritten signature in black ink that reads "Wendy Lorenz-Walraven". The signature is fluid and cursive, with a long, sweeping underline.

Wendy Lorenz-Walraven
Assistant Interim Executive Director
Co-Principal, MTS Secondary
Director of Equity and Diversity

School Leadership/Contact Information

Khaleef Warsame

Banaadir Elementary Director

Khaleef.warsame@emailmtcs.org

Sharmarke Elmi

Family Liaison

selmi@emailmtcs.org

Saqo Hersi

Administrative Assistant

shersi@emailmtcs.org

Shannon Weiss

Social Worker

sweiss@emailmtcs.org

Mahad Mohamed

Community Engagement Coordinator

amohamed@emailmtcs.org

Please visit the website at Banaadiracademy.org and go to the staff page for all staff.

Achievement

School is your child's work! Your child is here to learn to achieve all the success that he/she possibly can. If you help your child to follow these directions, you will greatly improve his/her chance to be academically successful!

As a student at Banaadir Academy, you should:

- Arrive on time for the bus, school, and classes
- Engage in learning
- Come prepared for class
- Ask for help if something is not understood
- Become an active participant in classroom discussions and activities
- Focus and complete all assigned tasks
- Be willing to try new tasks even when they may be challenging
- Be responsible for school books, materials and technology
- When a mistake is made, do not give up...learn from it because it is through mistakes that learning takes place
- Be responsible for following the rules and knowing the expectations of our school
- Stay healthy, get enough sleep and eat well
- Share with your family and friends what you learned at school
- Have fun!

Address, Email and Phone Changes

Parents are requested to inform the office of any student address, phone or email changes. The office will route this information to all persons' who work with that student. This includes the health office staff, teachers, attendance, social worker and transportation.

Attendance

MTCS recognizes that daily attendance is critical to academic achievement. It is our goal to work with students, families, and communities to support regular school attendance and improve academic achievement. Please call us for further assistance or questions about the attendance policy.

MTCS and each individual MTCS school supports and will make reasonable efforts to accommodate any pupil who wishes to be excused from school for a religious observance, pursuant to Minnesota Statute section 120A.35.

For EVERY absence, please:

Call the main office at 612-724-4680 (you may leave a message). Please make sure to call no later than 8:00 am the day of the absence, even if you have talked and/or emailed the teacher.

Send a note with the reason for the absence.

It's the law! Minnesota law states that all students are required to attend school from age 7, or when they enter kindergarten (whichever comes first) until they are 18 years old. A student's failure to attend school may lead to legal action for the parents/guardians and the student.

Tardiness

It is vital that students arrive to school on time. Some of the most important information and community building take place the first 20 minutes of class. At 8:10 am, instruction in core curriculum and specialists classes begins. Students need to be present every day for this valuable time. If this is an ongoing concern, the school social worker will be reaching out to provide support to your family. Again, it is vital that your child/children arrive to school on time.

Thank you for your help with this!

What are Excused Absences?

- Doctor/Dentist Appointments – Whenever possible, please schedule doctor and dentist appointments before and after school. If you must schedule an appointment during school, the appointment will be considered excused.
- Illness – Students are allowed up to 8 total absences a year, or 3 days in a row, due to illness. A doctor's note must be provided if your child is gone from school more than 8 total days over the school year, or 3 days in a row. Because your child's health is important to us, school staff can help your child if you do not have health insurance or cannot afford to see a doctor. Please contact the school if you need help.
- School Bus Problems – If your child misses school because the bus was late or did not show up at the bus stop, you must report this to the school that morning.
- Religious Holidays/Cultural Observances – If your child will be gone due to a religious holiday or cultural observance, you must notify the school.
- Funeral – Students may be gone up to 4 days a year because of a funeral. If your child will be gone more than 4 days, you must get written approval for additional excused time from the Principal.
- Family Emergency – Students may be gone up to 3 days a year because of a family emergency. If your child will be gone more than 3 days, you must get written approval from the Principal.

- Family Activity – A student may be gone up to 5 days from school for a pre-approved family activity such as a vacation.
- All days of vacation after 5 days will be considered unexcused.

Building: Keep It Clean

Banaadir Academy is YOUR school. Please help to ensure that it stays clean and organized. You can do this by keeping your cubby and/or locker clean, keeping your desk and work area neat and throwing your trash into the garbage. If you see any graffiti or damage to the building, tell an adult.

Bus Policy

Safety Rules

- Stay out of the “Danger Zones” outside the bus
- Follow the driver’s instructions
- Be on time
- Always SIT DOWN
- Be respectful, no fighting, swearing or yelling
- No EATING or DRINKING on the bus
- Keep your bus clean – Do not damage the bus
- Keep your head and arms inside the bus windows
- No dangerous objects or pets
- Windows may not be open over half way

The bus is an extension of the school day. Bus consequences may be superseded by the MTCS policy. The bus driver has the authority to assign seats. The MTCS sexual/racial/religious harassment policy and weapons policy will be strictly enforced on the bus as well as at school.

All students will participate in Bus Safety instruction during the first weeks of school.

New this school year: Student Bus Patrol. Student leaders will be trained and supported to assist students in following all bus safety rules.

We thank you for your continued support to ensure all of our students have a safe ride to and from school. We look forward to partnering with you during the 2019-2020 school year.

Clothing: Hooded Sweatshirts (Hoodies)

Students may wear hooded sweatshirts to school; however, students must keep the hood down during the school day. If this becomes a power struggle, the administration has the right to request that the child no longer wears a hooded sweatshirt/hoodie to school. The family will be notified, should this become a problem.

Communication

Remind

Remind is the official messaging platform for Banaadir Academy. Remind is a messaging system that allows the sending of messages via SMS, in app notifications, or email and phone calls to members of Banaadir Academy, without revealing personal contact information. As our school and district wide messaging system, Remind will be used to send a variety of important communications throughout the school year.

Notes

School staff may communicate with parents/guardians through written notes. Please ask your child daily if there are any messages from school. Please notify your child's classroom teacher if you prefer to receive information in an alternative format.

Weekly Folders | Kindergarten-4th Grade

Students will be provided with a folder that will travel with them on a daily basis. The folder will be an opportunity to stay connected to your child's day at school. Items that may be included in the folder are student work, notes from the teacher, permission slips, progress reports, school/classroom newsletters or other flyers.

Student Progress: Conferences, Report Cards

In addition to receiving daily and weekly work, you have opportunities to learn of your child's progress through the form of school conferences and student report cards.

Conferences

Twice a year, you will have the opportunity to meet with your child's teacher during school conferences. Please check the calendar for these dates. You are encouraged to request a conference at any other time you feel there is need. You may e-mail, leave a voicemail or send a note for your child's teacher to schedule this additional time. The teacher will set the conference at a mutually convenient time.

Report Cards

Report cards will be completed and sent home four times this school year. If you have questions regarding your child's report card, please contact your child's teacher.

Website (banaadirelementary.org)

The Banaadir Academy website is a good resource information for families, the greater community and staff. Visit BanaadirAcademy.org and select Banaadir South Campus, or choose it from MTCS.org select the link on the homepage. Bookmark the website for easier access.

Social Media

Follow MTCS and Banaadir Academy to hear about the exciting things happening in our K-12 Academic Community. Links to all social media are found on the home pages of the school websites.

Food Service: Breakfast and Lunch Program

Breakfast and lunch will be provided to Banaadir Elementary through CKC Foods. Their philosophy goes hand in hand to our commitment to provide the best learning environment for our students.

At Banaadir Elementary, your children can expect the following:

Meals prepared using no pork products, with no pork onsite and at a separate time from other programs.

Menu selections include one hot entrée per day and one hot breakfast item per week

Health Care

Immunizations: Minnesota laws require proof of immunizations for all school children. Families are asked to provide immunization records upon school registration. If you have questions regarding immunization requirements, contact your health care provider or school health office staff.

Medications

According to the Minnesota Transitions Schools policy, medication will only be administered at school with written consent from the health care provider and parent/guardian. **Updated medication consent needs to be provided every school year.** Medication must be sent to school in the original prescription (or over the counter) bottle/container indicating the student's name and correct instructions for medication administration. In order to be least disruptive to student's time in the classroom, families are encouraged to space medication doses outside of the school day whenever possible. Medication consent forms are available from the health office.

Asthma Medications

Students with asthma are encouraged to keep asthma reliever medication at school so that it is available if asthma concerns arise and/or if asthma medication is required prior to exercise. (The above noted medication policy applies to asthma medication as well.) There is a nebulizer machine available in the health office. Students requiring nebulized medication need to provide asthma medication and a set of nebulizer tubing. If your health provider has given you an "Asthma Action Plan", please send a copy of this to school. Asthma

Action Plans that are less than a year old and signed by the health care provider and parent are considered written consent for administering asthma medication at school.

Illegal/Unsafe Items

Students may not bring to school items that are against the law for minors to have, such as alcohol and tobacco. Students may not bring to school items that are against the law for people of any age to have, such as illegal drugs, controlled substances, or mood-altering substances. Do not bring items that contain unsafe inhalants, lighters or matches. Weapons and look-alike weapons are not allowed at school or on the bus.

Parent Involvement

At Banaadir Elementary we want all parents, family and community members to be involved in their children's education. Here are 3 quick ways to stay involved:

- Open Communication: Phone Calls, Visits, or sending Notes/Emails to the teacher
- Attend school activities and Principal lunches and dinners
- Volunteer either in the classroom or with the school at large
- Folders/Planners: Be sure to look through your child's folder and/or planner to find out what is happening at school. Ask your child to tell you more about the work they did or upcoming event

Section 504 Process for Students

Some students with disabilities may not qualify for special education services. These students may qualify for accommodations and supports under Section 504 or the Rehabilitation Act of 1973. Section 504 is a civil rights law that prohibits discrimination against persons with disabilities in any agencies receiving federal dollars. The law defines a person with a disabling condition as anyone who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or Is regarded as having such an impairment. If a student has a physical or mental impairment that may be impacting him/her in the educational setting, parents/guardians should contact the building administrator regarding their concerns.

Special Education Services for Students

Minnesota Transitions Charter School conducts child find, evaluates and serves students with disabilities. MTCS staff use a comprehensive child study process to evaluate students to determine eligibility for special education services from ages 5-21. An Individual Education Plan (IEP) Team meets following evaluation for qualifying students to determine the goals and objectives necessary to meet the student's needs.

Students requiring special education will receive specialized instruction from a special education teacher and/or related service providers as the IEP Team determines appropriate. Students are entitled to a free

appropriate public education in the least restrictive environment. If parents/guardians have concerns that their student is experiencing learning difficulties or behavioral issues at school, they should contact their child's teacher or building administrator to discuss concerns. You may request a copy of the Notice of Procedural Safeguards from your building administrator, special education teacher or download it from the MTCS website: mtcs.org.

Special Events

Title Nights at Banaadir Elementary

TBD

Parent Education Nights

TBD

Other Events

Conferences

Annual Meeting, October 28th2021

Graduation ceremony

Field Trips

Field trips are an extension of your child's learning experience. At the beginning of the year, your child will come with an open-ended walking field trip permission slip. However, you will be notified whenever your child's class will be going on any field trip (walking or bus). For field trips that require a bus, a permission slip will be sent home prior to the field trip. Your child will not be allowed to participate in a field trip without your permission. Students who are unable to manage their behavior at school may not be permitted to go on field trips. If there is a concern with your child, you will be notified to help problem solve.

Weather Information

Severe weather conditions can sometimes close school because of extreme heat, cold, snow or ice. In the event of a school closing, announcements will be made before 7 am on local radio and television stations and on the school website. Please listen to one of the following:

WCCO AM 830 • KSTP TV CHANNEL 5 • KBEM FM 88.5 • KMSP TV CHANNEL 9

WCCO TV CHANNEL 4 • KARE TV CHANNEL 11

If weather is severe, but not impassable, we ask that you use your own judgment about sending your child to school. Age of the child and special health concerns should be considered. If the weather conditions outside become treacherous busses may run late. Please make sure your child is dressed with appropriate outside

attire. If you need support in accessing winter weather items for your child/children, please contact the school social worker.

Visitors

We encourage and welcome parents/guardians to visit classes throughout the school year. A note or phone call to your child's teacher in advance is always appreciated. If you call your child's teacher, he/she will be able to inform you of specific times to avoid, such as during testing, field trips and special programs. Please check in at the main office for a visitor badge. All are required to sign in and out at the main office and get a visitor's badge.

English Language Learner Program

English Language Learner (ELL) Services Goal:

The goal of the English Learner program at MTS is to assist students in achieving Academic English Language proficiency in order to be successful learners in the classroom.

Elementary K-4 EL Services

Elementary EL students receive language instruction at their elementary schools from a licensed EL teacher. Students receive services based on their language level, which is provided from the W-APT or the ACCESS for ELs 2.0 assessment. Students may receive instruction through a combination of services, such as a co-teaching model, pull-out setting for small group instruction or individual language instruction. The time provided for each student depends on the needs of the student and the type of services provided. The service time typically ranges from 30 minutes to an hour of EL instruction. EL teachers focus on developing academic language proficiency in listening, speaking, reading and writing. The instruction is aligned to the state English Language Arts standards and the WIDA English Language Development Standards. EL teachers communicate regularly with mainstream classroom teachers regarding student progress.

Exiting the EL Program

When a student has met the EL Exit Criteria, the student will be reclassified and will no longer receive EL services. Parents will be notified of this reclassification. Students will continue their education in the regular mainstream classrooms. Please see the document MTCS Entrance and Exit Criteria to see the criteria used to determine when a student is ready to be exited from the program.

Banaadir Academy strives to solve problems in a peaceful, nonviolent way. We develop a student's ability to utilize critical problem solving skills. When developmentally appropriate conflict occurs, we model, teach and reinforce solutions that prepare our students with various tools to solve conflict with peace. Our belief is that these skills will transcend between home, school and community as they grow older; therefore, here at Banaadir Academy, we expect students to use peaceful ways to solve problems.

Discipline Addendum

All students have the right to an excellent education. At MTCS we strive to maintain a safe learning environment. Students that consistently disrupt the learning environment or exhibit unsafe behaviors will be subject to discipline.

A suspension from school is: The student's right to education at the school is suspended (put on hold) for a period of time, typically 1-5 days.

An expulsion from school is: A school board decision to suspend the student from all MTS programs for a period of 12 months.

Events that may result in discipline including expulsion:

- Multiple suspensions
- Physical attack on a student or a teacher
- Harassment of any kind and terroristic threats
- Sexual Conduct
- Theft / Burglary
- Threatening Acts
- Arson
- Possession of ammunition, fireworks, explosives, alcohol, drugs, and/or weapons or items that look like or function as weapons

Student Acknowledgement Form

Student Handbook

I have received the Banaadir Elementary Student Handbook. I acknowledge and will abide by the policies and guidelines defined in the handbook. I understand that violation of school policies and guidelines may result in disciplinary actions.

Student _____

Date _____

Parent _____

Date _____

Publishing of Student's Achievements or Image

Occasionally the opportunity may arise for a student's achievements and/or image to be published in various venues (ex. school website, newsletter, etc.). Signing below authorizes the use of the student's works or image by Minnesota Transitions Charter School.

Parent _____

Date _____

PART TWO

Minnesota Transitions Charter School
2021 & 2022 STUDENT HANDBOOK

Overview of Student Policies and Procedures, 2021& 2022

Overview of Student Policies and Procedures, 2021& 2022

Here are some important policies that you and your child should review. We expect that all MTCS students will do their best to follow these policies and expectations. Sign off in an agreement to follow these policies and procedures is necessary. Some policies listed are shown in summary and others in entirety. Complete policies can be found at mtcs.org.

Policy 419 (Tobacco-Free Environment): “Smoking or use of tobacco, tobacco-related devices, or electronic cigarettes is prohibited. This prohibition extends to all facilities whether owned, rented or leased and all vehicles that MTCS owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for school purposes. The prohibition includes all MTCS property and all off-campus events sponsored by MTCS.

Policy 503 (Student Attendance): The purpose of this policy is to encourage regular school attendance. It recognizes that class attendance is a joint responsibility to be shared by the student, parent or guardian, teacher, and administrators.

Policy 506 (Student Discipline): In view of the need for a safe, orderly and respectful environment at MTCS Schools and in accordance with Minn. Stat. § 121A.55, the MTCS Board, with the participation of MTCS administrators, teachers, employees, students, parents, community members, and such other individuals and organizations as appropriate, has developed this policy which governs student conduct and applies to all students of MTCS.

Policy 515 (Student Directory and Privacy of Student Records – Annual Notice 2017-2018): The following “directory” Information refers to information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to: the student’s name, address, telephone listing, electronic email address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, honors and awards received, and the most recent educational agency or institution attended. MTCS may disclose directory information from the education records of a student and information regarding parents without prior consent of the parent of the student or eligible student, unless notified their intent to refuse to allow such disclosure. If you wish to disallow sharing of this information, a form is provided with this handbook.

Policy 520 (Student Surveys – Annual Notice, 2017-2018): Occasionally, Minnesota Transitions Charter School (MTCS) utilizes surveys to obtain student opinions and information about students. The purpose of this policy is to establish the parameters of information that may be sought in student surveys. Student surveys may be conducted as determined necessary by MTCS. Surveys, analyses, and evaluations conducted as part of any program funded through the U.S. Department of Education must comply with 20 U.S.C. § 1232h. MTCS must give parents the opportunity to review the survey and to opt their students out of participating in the survey.

Policy 534 (Unpaid Meal Charges): The purpose of this policy is to ensure that students receive healthy and nutritious meals through Minnesota Transitions Charter School’s (MTCS) nutrition program and that MTCS employees, families, and students have a shared understanding of expectations regarding meal charges. The policy seeks to allow students to receive the nutrition they need to stay focused during the school day and minimize identification of students with insufficient funds to pay for school meals as well as to maintain the financial integrity of the school nutrition program.

Policy 502 (Search of Lockers): At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

Policy 522 Sex Nondiscrimination Policy, Title IX Grievance Procedure and Process

I. General Statement of Policy

A. Minnesota Transitions Charter School ("MTCS") prohibits discrimination on the basis of sex in all forms, including sexual harassment.

B. MTCS does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. MTCS is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment

II. Sex Discrimination Complaints not Involving Sexual Harassment

Complaints of sex discrimination that do not constitute sexual harassment, as defined below, or retaliation from making a complaint of sexual harassment, should be reported to the building principal or building supervisor. The building principal or supervisor is then responsible for notifying MTCS's Title IX Coordinator of the complaint. If a complaint involves the building principal or supervisor, it should be reported directly to the Title IX Coordinator. The Title IX Coordinator will ensure an investigation is completed in accordance with the requirements of applicable MTCS policies. The District's Title IX Coordinators are Annemarie Lanning and Tamlee Berndtson. The Title IX Coordinators' contact information is:

Annemarie Lanning, HR and Finance Support

Email: alanning@schoolmanagementservices.org or hr@emailmcs.org

Phone: 612-722-9013

Minnesota Transitions Charter School 2872 26th Avenue South Minneapolis, MN 55406

Tamlee Berndtson, Marss and HR Assistant

Email: tberndtson@emailmcs.org

hr@emailmcs.org

Phone: 612-235-5663

Minnesota Transitions Charter School 2872 26th Avenue South Minneapolis, MN 55406

III. General Policy Prohibiting Sexual Harassment

A. MTCS prohibits sexual harassment that occurs within its education programs and activities. When MTCS has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

B. This policy applies to sexual harassment that occurs within MTCS's education programs and activities. This policy does not apply to sexual harassment that occurs outside the scope of MTCS's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in MTCS's education programs or activities

C. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. MTCS's Title IX Coordinator(s) is/are:

Annemarie Lanning

Email: alanning@schoolmanagementservices.org or hr@emailmtcs.org

Phone: 612-722-9013

Minnesota Transitions Charter School 2872 26th Avenue South Minneapolis, MN 55406

Tamlee Berndtson

Email: tberndtson@emailmtcs.org

hr@emailmtcs.org

Phone: 612-235-5663

Minnesota Transitions Charter School 2872 26th Avenue South
Minneapolis, MN 55406

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both

The effective date of this policy is August 14, 2020, and it applies to alleged violations of this policy occurring on or after August 14, 2020.

IV. Definitions

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to MTCS's Title IX Coordinator or to any employee of MTCS. This standard is not met when the only official of MTCS with actual knowledge is the respondent.

B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that MTCS office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. MTCS is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

E. "Education program or activity" means locations, events, or circumstances over which MTCS exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and includes MTCS education programs or activities that occur on or off of MTCS property.

F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that MTCS investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.

2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of MTCS with which the formal complaint is filed.

3. A parent or guardian of a child younger than 18 years old may file a formal complaint on behalf of their child.

G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

H. “Relevant questions” and “relevant evidence” are questions, documents, statements, physical items, or information that are related to the allegations raised in a formal complaint and have any tendency to make the allegations more or less likely to be true. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions or evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible for sexual harassment. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a MTCS education program or activity and is committed against a person in the United States:

1. Quid pro quo harassment by a MTCS employee (conditioning the provision of an aid, benefit, or service of MTCS on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work or school locations, leaves of absence, increased security and monitoring of certain areas of MTCS buildings or property, and other similar measures.

M. “Title IX Personnel” means any person who addresses, works on, or assists with MTCS’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. “Title IX Coordinator” means an employee of MTCS that is designated and authorized to coordinate MTCS’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any

supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administrating the grievance process.

2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker in that formal complaint. The Investigator may be a MTCS employee, MTCS official, or a third party designated by MTCS.

3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker in that formal complaint. The Decision-maker may be an administrator, supervisor, or other individual qualified to determine and impose appropriate remedies if a determination of responsibility is made.

4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker in that formal complaint. The Appellate Decision-maker may be a MTCS employee, or a third party designated by MTCS.

5. “Informal resolution facilitator” means a person who facilitates the informal resolution process if desired by the parties. The Informal resolution facilitator may be the Title IX Coordinator, but may not be the Investigator, Decision-maker or Appellate Decision-maker in the formal complaint proposed for informal resolution.

6. The superintendent of MTCS may delegate functions assigned to a specific MTCS employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. MTCS may also, in its discretion, appoint suitably qualified persons who are not MTCS employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator.

V. Reporting Prohibited Conduct

A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment should report the alleged acts as soon as possible to the Title IX Coordinator.

B. Any employee of MTCS who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator’s contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, MTCS may report the alleged conduct to law enforcement authorities. MTCS encourages complainants to report criminal behavior to the police immediately.

VI. Retaliation Prohibited

A. Neither MTCS nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation to the Title IX Coordinator in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment.

C. Charging an individual with violation of MTCS policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VII. Dissemination of Policy

A. This policy shall be made available to all students, parents/guardians of students, MTCS employees, and employee unions.

B. MTCS shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

C. MTCS must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with MTCS, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that MTCS does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of MTCS's grievance procedures and grievance process referenced in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how MTCS will respond.

VIII. Recordkeeping

A. MTCS must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, MTCS must document:

1. The basis for MTCS's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. The measures MTCS has taken that are designed to restore or preserve equal access to MTCS's education program or activity; and
3. If MTCS does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. MTCS must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

IX. Application of Laws other than Title IX

A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions below. If an investigation has already been conducted, the Title IX Coordinator may review the investigation to determine whether prohibited sexual harassment has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 103.

B. Alternative Definitions of Sexual Harassment

i. Minnesota Human Rights Act (Applicable to Employees and Students)

"Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.

ii. Title VII (Applicable to Employees)

"Sexual harassment" mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

X. Grievance Procedure and Process

The grievance procedure and process adopted by MTCS shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by MTCS.

Title IX Grievance Procedure and Process Addendum to Policy 522

I. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. MTCS shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. MTCS will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. MTCS will provide appropriate remedies to the complainant when a determination of responsibility for sexual harassment has been made against a respondent.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

To the extent permitted by governing law and regulations, MTCS will not release private educational or personnel data about complainants, respondents, witnesses, allegations of sexual harassment, investigations, decisions, dismissals, and/or findings of responsibility. However, MTCS's obligations under the implementing regulations for Title IX may require disclosure of certain private educational or personnel data to other parties and/or witnesses.

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly during any phase of the grievance process. An advisor to a complainant or respondent may prepare written submissions on behalf of the party.

F. Notice

MTCS will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided so as to allow sufficient time for the party to prepare to participate.

G. Consolidation

MTCS may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, MTCS will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. MTCS shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless MTCS obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon MTCS and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when MTCS employees are respondents.

J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by MTCS within five (5) calendar days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by MTCS.
4. MTCS will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by MTCS.
5. Although MTCS strives to adhere to the timelines described above, in each case, MTCS may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening MTCS holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that MTCS may provide a complainant and disciplinary sanctions that MTCS might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in transportation,

changes in work locations, leaves of absence, monitoring of certain areas of MTCS buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will impose or recommend appropriate remedies, including disciplinary sanctions/consequences. The discipline of a student-respondent must comply with the applicable provisions of Policy 506 – Student Discipline, the Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

II. Initial Response and Assessment by the Title IX Coordinator

A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint .

B. MTCS will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. MTCS must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair MTCS's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by MTCS unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation against the complainant's wishes is not clearly unreasonable in light of the known circumstances.

D. Upon receipt of a formal complaint, MTCS must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and
6. A copy of Policy 522 and this Grievance Procedures document.

III. Status of Respondent During Pendency of Formal Complaint

A. Emergency Removal of a Student

1. MTCS may remove a student-respondent from an education program or activity of MTCS on an emergency basis before a determination regarding responsibility is made if:

- a. MTCS undertakes an individualized safety and risk analysis;
- b. MTCS determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and

c. If MTCS determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related MTCS policies, including Policy 506 – Student Discipline. MTCS must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

MTCS may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. MTCS must take into consideration applicable requirements of any applicable collective bargaining agreement or individual contract, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

IV. Informal Resolution of a Formal Complaint

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by MTCS at MTCS's discretion, but only after a formal complaint has been received by MTCS.

B. MTCS may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

C. The informal resolution process may not be used to resolve allegations that a MTCS employee sexually harassed a student.

D. MTCS will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent to participate in the informal resolution process. MTCS will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

V. Dismissal of a Formal Complaint

A. Under federal law, MTCS must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;
2. Did not occur in MTCS's education program or activity; or
3. Did not occur against a person in the United States.

B. MTCS may, in its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
2. The respondent is no longer enrolled or employed by MTCS; or
3. Specific circumstances prevent MTCS from gathering sufficient evidence to reach a determination.

C. MTCS shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal and grounds upon which an appeal may be made.

D. Dismissal of a formal complaint or a portion thereof does not preclude MTCS from addressing the underlying conduct in any manner that MTCS deems appropriate, including an investigation pursuant to other MTCS policies.

VI. Investigation of a Formal Complaint

A. If a formal complaint is received by MTCS, MTCS will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

B. If during the course of the investigation MTCS decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, MTCS must provide notice of the additional allegations to the known parties.

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which MTCS does not intend solely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The investigative report may include recommended findings of fact and conclusions. MTCS will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

VII. Determination Regarding Responsibility

A. After MTCS has sent the investigative report to both parties and before MTCS has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The time allowed for submitting questions and answers is at the discretion of the Decision-maker.

B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.

C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

D. When the exchange of questions and answers has concluded, and the parties have been provided at least ten days to review and submit a written response to the investigative report, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of MTCS's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions MTCS imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by MTCS to the complainant; and
6. MTCS's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker 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 incident occurred.

F. The written determination of responsibility must be provided to the parties simultaneously.

G. The Title IX Coordinator is responsible for the effective implementation of any remedies.

H. The determination regarding responsibility becomes final either on the date that MTCS provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

VIII. Appeals

A. MTCS shall offer the parties an opportunity to appeal a determination regarding responsibility or MTCS's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. If notice of an appeal is timely received by MTCS, MTCS will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

D. The written decision describing the result of the appeal must be provided simultaneously to the parties. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

Policy 524 (Acceptable Use):

The purpose of this policy is to set forth policies and guidelines for access to MTCS computer system and acceptable and safe use of the Internet, including electronic communications.

Internet Use, Electronic And Audiovisual Publications

Computing facilities, local area networks and/or Internet access are available to students and teachers at MTS Elementary. Our goal is to provide opportunities for the Banaadir/Leadership Academy community to gain the

technological skills necessary to have access to people and information beyond our campus and to further use this knowledge to design create and display student work outside the boundaries of the classroom.

MTCS Computer and Audiovisual Facilities

Computer facilities for students and staff are located in the library, computer labs, classrooms and offices. These facilities exist to enhance the educational programs we offer. With the availability of desktop and publishing facilities in the computer labs, we also have the opportunity to produce and publish student work through electronic and audiovisual media.

The Internet and Telecommunications

The smooth operation of the network relies upon the proper conduct of the end users who must adhere to strict guidelines. These guidelines are provided here so that you may become aware of the responsibilities you are about to acquire. In general this requires efficient, ethical and legal utilization of the network resources. If a user violates any of these provisions, his/her Internet access privileges will be revoked.

Transmission of any material that is in violation of federal or state law/regulation is prohibited. This includes, but is not limited to, annoying, libelous, threatening or obscene material and material protected by trade secret. Users shall respect all U.S. copyright laws and licensing agreements pertaining to material entered into and obtained via the system. Users shall make proper citations and not plagiarize any sources.

MTCS also prohibits transmitting of pornography, unethical or illegal solicitation, and sexually explicit or inappropriate language/graphics/audio segments. Hate mail, harassment, discriminatory remarks, other antisocial behaviors, and chain letters are prohibited on the network.

Students and parents/guardians will be required to agree to the terms of the complete Acceptable Use Policy (mtcs.org) before using computers or other internet capable devices at school.

Policy 413 (Harassment) [Minn. Stat. § 121A.03]:

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

II. GENERAL STATEMENT OF POLICY

A. The policy of Minnesota Transitions Charter School (MTCS) is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. MTCS prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

B. A violation of this policy occurs when any student, teacher, administrator, or other MTCS personnel harasses a student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, MTCS personnel includes MTCS Board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school.)

C. A violation of this policy occurs when any student, teacher, administrator, or other MTCS personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other MTCS personnel

or group of students, teachers, administrators, or other MTCS personnel based on a person's race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

D. MTCS will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other MTCS personnel who is found to have violated this policy.

III. DEFINITIONS

A. "Assault" is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;
2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:

1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications; Definitions

1. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical or mental impairment which substantially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
3. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with

one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.

7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or educational environment.
2. Sexual harassment may include, but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated, or inappropriate patting, pinching, or physical contact, other than necessary restraint of student(s) by teachers, administrators, or other MTCS personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - f. unwelcome behavior or words directed at an individual because of gender.

G. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
 - a. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - c. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - d. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

H. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a student, teacher, administrator, or other MTCS personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other MTCS personnel or group of students, teachers, administrators, or other MTCS personnel should report the alleged acts immediately to an appropriate MTCS official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, MTCS may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. MTCS encourages the reporting party or complainant to use the report form available from the principal/director or building supervisor of each building or available from the MTCS office, but oral reports shall be considered complaints as well.

C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a MTCS human rights officer or to the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant.

D. In Each School Building. The building principal/director, the principal/director's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult MTCS personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

E. Upon receipt of a report, the building report taker must notify the MTCS human rights officer immediately, without screening or investigating the report. The building report taker 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 building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

F. In MTCS. MTCS hereby designates the Department of Human Resources, 2872 26th Avenue South, Minneapolis, MN 55406, (612) 722-9013, HR@emailmtcs.org, to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the Superintendent.

G. MTCS shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.

H. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

I. Use of formal reporting forms is not mandatory.

J. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

K. MTCS will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MTCS's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

L. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.

M. False accusations or reports of violence or harassment against another person are prohibited.

N. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with MTCS's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from MTCS property and events and/or termination of services and/or contracts.

V. INVESTIGATION

A. By authority of MTCS, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall 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 target or victim, the complainant, and students, teachers, administrators, or other MTCS personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.

E. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

F. The investigation will be completed as soon as practicable. The MTCS 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 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.

VI. MTCS ACTION

A. Upon completion of an investigation that determines a violation of this policy has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. MTCS action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable MTCS policies and regulations.

B. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, MTCS shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VII. RETALIATION OR REPRISAL

MTCS will discipline or take appropriate action against any student, teacher, administrator, or other MTCS personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

VIII. 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.

IX. HARASSMENT OR VIOLENCE AS ABUSE

A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.

B. Nothing in this policy will prohibit MTCS from taking immediate action to protect victims of alleged harassment, violence, or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.

B. This policy shall be given to each MTCS employee and independent contractor who regularly interacts with students at the time of initial employment with MTCS.

C. This policy shall appear in the student handbook.

- D. MTCS will develop a method of discussing this policy with students and employees.
- E. MTCS may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

522 SEX NONDISCRIMINATION POLICY, TITLE IX GRIEVANCE PROCEDURE AND PROCESS

I. GENERAL STATEMENT OF POLICY

- A. Minnesota Transitions Charter School (“MTCS”) prohibits discrimination on the basis of sex in all forms, including sexual harassment.
- B. MTCS does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. MTCS is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment

II. SEX DISCRIMINATION COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT

Complaints of sex discrimination that do not constitute sexual harassment, as defined below, or retaliation from making a complaint of sexual harassment, should be reported to the building principal or building supervisor. The building principal or supervisor is then responsible for notifying MTCS’s Title IX Coordinator of the complaint. If a complaint involves the building principal or supervisor, it should be reported directly to the Title IX Coordinator. The Title IX Coordinator will ensure an investigation is completed in accordance with the requirements of applicable MTCS policies. The District’s Title IX Coordinators are Annemarie Lanning and Tamlee Berndtson. The Title IX Coordinators’ contact information is:

Annemarie Lanning, HR and Finance Support

Email: alanning@schoolmanagementservices.org hr@emailmcs.org

Phone: 612-722-9013

Minnesota Transitions Charter School 2872 26th Avenue South Minneapolis, MN 55406

Tamlee Berndtson, Marss and HR Assistant

Email: tberndtson@emailmcs.org

hr@emailmcs.org

Phone: 612-235-5663

Minnesota Transitions Charter School 2872 26th Avenue South Minneapolis, MN 55406

III. GENERAL POLICY PROHIBITING SEXUAL HARASSMENT

- A. MTCS prohibits sexual harassment that occurs within its education programs and activities. When MTCS has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- B. This policy applies to sexual harassment that occurs within MTCS’s education programs and activities. This policy does not apply to sexual harassment that occurs outside the scope of MTCS’s education programs and

activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in MTCS's education programs or activities

C. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. MTCS's Title IX Coordinator(s) is/are:

Annemarie Lanning

Email: alanning@schoolmanagementservices.org hr@emailmcs.org

Phone: 612-722-9013

Minnesota Transitions Charter School 2872 26th Avenue South Minneapolis, MN 55406

Tamlee Berndtson

Email: tberndtson@emailmcs.org

hr@emailmcs.org

Phone: 612-235-5663

Minnesota Transitions Charter School 2872 26th Avenue South

Minneapolis, MN 55406

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both

The effective date of this policy is August 14, 2020, and it applies to alleged violations of this policy occurring on or after August 14, 2020.

IV. DEFINITIONS

A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to MTCS's Title IX Coordinator or to any employee of MTCS. This standard is not met when the only official of MTCS with actual knowledge is the respondent.

B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.

C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that MTCS office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. MTCS is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

E. "Education program or activity" means locations, events, or circumstances over which MTCS exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and includes MTCS education programs or activities that occur on or off of MTCS property.

F. "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that MTCS investigate the allegation of sexual harassment.

1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant's physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX

Coordinator in person, by mail, or by email.

2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of MTCS with which the formal complaint is filed.

3. A parent or guardian of a child younger than 18 years old may file a formal complaint on behalf of their child.

G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.

H. “Relevant questions” and “relevant evidence” are questions, documents, statements, physical items, or information that are related to the allegations raised in a formal complaint and have any tendency to make the allegations more or less likely to be true. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions or evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible for sexual harassment. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a MTCS education program or activity and is committed against a person in the United States:

1. Quid pro quo harassment by a MTCS employee (conditioning the provision of an aid, benefit, or service of MTCS on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).

L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work or school locations, leaves of absence, increased security and monitoring of certain areas of MTCS buildings or property, and other similar measures.

M. "Title IX Personnel" means any person who addresses, works on, or assists with MTCS's response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. "Title IX Coordinator" means an employee of MTCS that is designated and authorized to coordinate MTCS's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.

2. "Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker in that formal complaint. The Investigator may be a MTCS employee, MTCS official, or a third party designated by MTCS.

3. "Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker in that formal complaint. The Decision-maker may be an administrator, supervisor, or other individual qualified to determine and impose appropriate remedies if a determination of responsibility is made.

4. "Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker in that formal complaint. The Appellate Decision-maker may be a MTCS employee, or a third party designated by MTCS.

5. "Informal resolution facilitator" means a person who facilitates the informal resolution process if desired by the parties. The Informal resolution facilitator may be the Title IX Coordinator, but may not be the Investigator, Decision-maker or Appellate Decision-maker in the formal complaint proposed for informal resolution.

6. The superintendent of MTCS may delegate functions assigned to a specific MTCS employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. MTCS may also, in its discretion, appoint suitably qualified persons who are not MTCS employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator.

V. REPORTING PROHIBITED CONDUCT

A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment should report the alleged acts as soon as possible to the Title IX Coordinator.

B. Any employee of MTCS who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination,

including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, MTCS may report the alleged conduct to law enforcement authorities. MTCS encourages complainants to report criminal behavior to the police immediately.

VI. RETALIATION PROHIBITED

A. Neither MTCS nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

B. Any person may submit a report or formal complaint alleging retaliation to the Title IX Coordinator in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment.

C. Charging an individual with violation of MTCS policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VII. DISSEMINATION OF POLICY

A. This policy shall be made available to all students, parents/guardians of students, MTCS employees, and employee unions.

B. MTCS shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

C. MTCS must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with MTCS, with the following:

1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
2. Notice that MTCS does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;

3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
4. Notice of MTCS's grievance procedures and grievance process referenced in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how MTCS will respond.

VIII. RECORDKEEPING

A. MTCS must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, MTCS must document:

1. The basis for MTCS's conclusion that its response to the report or formal complaint was not deliberately indifferent;
2. The measures MTCS has taken that are designed to restore or preserve equal access to MTCS's education program or activity; and
3. If MTCS does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. MTCS must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

IX. APPLICATION OF LAWS OTHER THAN TITLE IX

A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions below. If an investigation has already been conducted, the Title IX Coordinator may review the investigation to determine whether prohibited sexual harassment has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 103.

B. Alternative Definitions of Sexual Harassment

i. Minnesota Human Rights Act (Applicable to Employees and Students)

“Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;

- (2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- (3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.

ii. Title VII (Applicable to Employees)

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment,
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

X. GRIEVANCE PROCEDURE AND PROCESS

The grievance procedure and process adopted by MTCS shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by MTCS.

Title IX Grievance Procedure and Process Addendum to Policy 522

I. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

- 1. MTCS shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
- 2. MTCS will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
- 3. MTCS will provide appropriate remedies to the complainant when a determination of responsibility for sexual harassment has been made against a respondent.

B. Objective and Unbiased Evaluation of Complaints

- 1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
- 2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

To the extent permitted by governing law and regulations, MTCS will not release private educational or personnel data about complainants, respondents, witnesses, allegations of sexual harassment, investigations, decisions,

dismissals, and/or findings of responsibility. However, MTCS's obligations under the implementing regulations for Title IX may require disclosure of certain private educational or personnel data to other parties and/or witnesses.

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly during any phase of the grievance process. An advisor to a complainant or respondent may prepare written submissions on behalf of the party.

F. Notice

MTCS will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided so as to allow sufficient time for the party to prepare to participate.

G. Consolidation

MTCS may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, MTCS will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. MTCS shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless MTCS obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon MTCS and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when MTCS employees are respondents.

J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by MTCS within five (5) calendar days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by MTCS.
4. MTCS will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by MTCS.
5. Although MTCS strives to adhere to the timelines described above, in each case, MTCS may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other

evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening MTCS holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that MTCS may provide a complainant and disciplinary sanctions that MTCS might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in transportation, changes in work locations, leaves of absence, monitoring of certain areas of MTCS buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will impose or recommend appropriate remedies, including disciplinary sanctions/consequences. The discipline of a student-respondent must comply with the applicable provisions of Policy 506 – Student Discipline, the Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

II. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant’s wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint .

B. MTCS will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. MTCS must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair MTCS’s ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by MTCS unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation against the complainant’s wishes is not clearly unreasonable in light of the known circumstances.

D. Upon receipt of a formal complaint, MTCS must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:

1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and

6. A copy of Policy 522 and this Grievance Procedures document.

III. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. MTCS may remove a student-respondent from an education program or activity of MTCS on an emergency basis before a determination regarding responsibility is made if:

- a. MTCS undertakes an individualized safety and risk analysis;
- b. MTCS determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
- c. If MTCS determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related MTCS policies, including Policy 506 – Student Discipline. MTCS must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

MTCS may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. MTCS must take into consideration applicable requirements of any applicable collective bargaining agreement or individual contract, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

IV. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by MTCS at MTCS's discretion, but only after a formal complaint has been received by MTCS.

B. MTCS may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.

C. The informal resolution process may not be used to resolve allegations that a MTCS employee sexually harassed a student.

D. MTCS will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent to participate in the informal resolution process. MTCS will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

V. DISMISSAL OF A FORMAL COMPLAINT

A. Under federal law, MTCS must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:

1. Would not meet the definition of sexual harassment, even if proven;

2. Did not occur in MTCS's education program or activity; or
3. Did not occur against a person in the United States.

B. MTCS may, in its discretion, dismiss a formal complaint or allegations therein if:

1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
2. The respondent is no longer enrolled or employed by MTCS; or
3. Specific circumstances prevent MTCS from gathering sufficient evidence to reach a determination.

C. MTCS shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal and grounds upon which an appeal may be made.

D. Dismissal of a formal complaint or a portion thereof does not preclude MTCS from addressing the underlying conduct in any manner that MTCS deems appropriate, including an investigation pursuant to other MTCS policies.

VI. INVESTIGATION OF A FORMAL COMPLAINT

A. If a formal complaint is received by MTCS, MTCS will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.

B. If during the course of the investigation MTCS decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, MTCS must provide notice of the additional allegations to the known parties.

C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.

D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which MTCS does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.

F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The investigative report may include recommended findings of fact and conclusions. MTCS will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

VII. DETERMINATION REGARDING RESPONSIBILITY

A. After MTCS has sent the investigative report to both parties and before MTCS has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The time allowed for submitting questions and answers is at the discretion of the Decision-maker.

B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.

C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

D. When the exchange of questions and answers has concluded, and the parties have been provided at least ten days to review and submit a written response to the investigative report, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of MTCS's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions MTCS imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by MTCS to the complainant; and
6. MTCS's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.

E. In determining appropriate disciplinary sanctions, the Decision-maker 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 incident occurred.

F. The written determination of responsibility must be provided to the parties simultaneously.

G. The Title IX Coordinator is responsible for the effective implementation of any remedies.

H. The determination regarding responsibility becomes final either on the date that MTCS provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

VIII. APPEALS

A. MTCS shall offer the parties an opportunity to appeal a determination regarding responsibility or MTCS's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

B. If notice of an appeal is timely received by MTCS, MTCS will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.

D. The written decision describing the result of the appeal must be provided simultaneously to the parties. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

Policy 514 (Bullying) [Minn. Stat. § 121A.031]:

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student's ability to learn and/or a teacher's ability to educate students in a safe environment. Minnesota Transitions Charter School (MTCS) cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of MTCS and the rights and welfare of its students and is within the control of MTCS in its normal operations, MTCS intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. The purpose of this policy is to assist MTCS in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

II. GENERAL STATEMENT OF POLICY

A. An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on MTCS property, at school functions or activities, or on school transportation. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of MTCS or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off MTCS property and/or with or without the use of MTCS resources.

B. No teacher, administrator, volunteer, contractor, or other employee of MTCS shall permit, condone, or tolerate bullying.

C. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.

D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.

E. False accusations or reports of bullying against another student are prohibited.

F. A student who engages in an act of bullying, reprisal, retaliation, or knowingly making a false report of bullying shall be subject to discipline or other remedial responses for that act in accordance with MTCS's policies and procedures, including MTCS's discipline policy. A teacher, administrator, volunteer, contractor, or other employee of MTCS who permits, condones, or tolerates bullying or engages in an act of reprisal, retaliation, or knowingly making a false report of bullying shall be subject to disciplinary action. MTCS may take into account the following factors:

1. The developmental ages and maturity levels of the parties involved;
2. The levels of harm, surrounding circumstances, and nature of the behavior;
3. Past incidences or past or continuing patterns of behavior;
4. The relationship between the parties involved; and
5. The context in which the alleged incidents occurred.

Consequences for students who commit acts of bullying or other prohibited conduct may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. MTCS shall employ research-based developmentally appropriate best practices that include preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout MTCS, and foster student, parent, and community participation.

Consequences for employees who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from MTCS property and events.

G. MTCS will act to investigate all complaints of bullying reported to MTCS and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of MTCS who is found to have violated this policy.

III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

A. "Bullying" means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:

1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
2. materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, "bullying," specifically includes cyberbullying as defined in this policy.

B. "Cyberbullying" means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on MTCS property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

C. "Immediately" means as soon as possible but in no event longer than one school day.

D. "Intimidating, threatening, abusive, or harming conduct" means, but is not limited to, conduct that does the following:

1. Causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property;
2. Under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
3. Is directed at any student or students, including those based on a person's actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.

E. "On school premises, on MTCS property, at school functions or activities, or on school transportation" means all MTCS buildings, school grounds, and school property or property immediately adjacent to school grounds, school

bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for MTCS purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. MTCS property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events, MTCS does not represent that it will provide supervision or assume liability at these locations and events.

F. "Prohibited conduct" means bullying or cyberbullying as defined in this policy or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about bullying.

G. "Remedial response" means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.

H. "Student" means a student enrolled in MTCS.

IV. REPORTING PROCEDURE

A. Any student who believes he or she has been the target or victim of bullying should report the alleged acts immediately to an appropriate MTCS official designated by this policy. A person may report bullying anonymously. However, MTCS may not rely solely on an anonymous report to determine discipline or other remedial responses. Any teacher, administrator, volunteer, contractor, or other employee of MTCS with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate MTCS official.

B. MTCS encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available in the MTCS office, but oral reports shall be considered complaints as well.

C. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a MTCS human rights officer or the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as the primary contact on policy and procedural matters. The building report taker or a third party designated by MTCS shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. MTCS personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.

E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in

conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.

F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.

G. MTCS will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MTCS' obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. MTCS ACTION

A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, MTCS shall undertake or authorize an investigation by the building report taker or a third party designated by MTCS.

B. The building report taker or other appropriate MTCS officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students or others, pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.

C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of an investigation that determines that bullying or other prohibited conduct has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. MTCS action taken for violation of this policy will be consistent with the requirements of applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy and other applicable MTCS policies; and applicable regulations.

E. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS. School officials will notify the parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken, to the extent permitted by law.

F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, MTCS shall, when determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in bullying or other prohibited conduct.

VI. RETALIATION OR REPRISAL

MTCS will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of MTCS who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying or prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying or prohibited conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately

discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy.

VII. TRAINING AND EDUCATION

A. MTCS shall discuss this policy with school personnel and volunteers and provide appropriate training to MTCS personnel regarding this policy. MTCS shall establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with MTCS. MTCS or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.

B. MTCS shall require ongoing professional development, consistent with Minn. Stat. § 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:

1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;
3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
4. The incidence and nature of cyberbullying; and
5. Internet safety and cyberbullying.

C. MTCS annually will provide education and information to students regarding bullying, including information regarding this MTCS policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.

D. The administration of MTCS is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to targets or victims of bullying.

E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students. The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

F. Affected students and their parents may have rights under state and federal data practices laws to obtain access to data related to an incident and to contest the accuracy or completeness of the data.

VIII. NOTICE

A. MTCS will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.

B. This policy or a summary thereof must be conspicuously posted in the administrative offices of MTCS and the office of each school.

- C. This policy must be given to each school employee and independent contractor who regularly interacts with students at the time of initial employment with MTCS.
- D. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy distributed to parents at the beginning of each school year.
- E. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on MTCS's or a school's website.
- F. MTCS shall provide an electronic copy of its most recently amended policy to the Commissioner of Education.

IX. POLICY REVIEW

To the extent practicable, the MTCS Board shall, on a cycle consistent with other MTCS policies, review and revise this policy. The policy shall be made consistent with Minn. Stat. § 121A.031 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

Policy 526 (Hazing) [Minn. Stat. § 121A.69]

I. PURPOSE

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of Minnesota Transitions Charter School (MTCS) and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor, or other employee of MTCS shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of MTCS shall permit, condone, or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing shall be subject to discipline or other remedial responses for that act in accordance with MTCS's policies and procedures.

Consequences for students who commit, tolerate, or are a party to prohibited acts of hazing may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of hazing may include, but not be limited to, exclusion from MTCS property and events and/or termination of services and/or contracts.

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.

I. MTCS will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of MTCS who is found to have violated this policy.

III. DEFINITIONS

A. "Hazing" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking, or placing a harmful substance on the body.
2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics, or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product, or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame, or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of MTCS policies or regulations.

B. "Immediately" means as soon as possible but in no event longer than 24 hours.

C. "On school premises or MTCS property, or at school functions or activities, or on school transportation" means all MTCS buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for MTCS purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. MTCS property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, MTCS does not represent that it will provide supervision or assume liability at these locations and events.

D. "Remedial response" means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.

E. "Student" means a student enrolled in a public school or a charter school.

F. "Student organization" means a group, club, or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities, or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate MTCS official designated by this policy. A person may report hazing anonymously. However, MTCS may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. MTCS encourages the reporting party to use the report form available from the principal/director of each building or available from the MTCS main office, but oral reports shall be considered complaints as well. The building

principal/director, the principal/director's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of hazing at the building level. Any adult school personnel who receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a MTCS human rights officer or to the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the Superintendent or the MTCS human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

C. A teacher, administrator, volunteer, contractor, and other school employees shall be particularly alert to possible situations, circumstances, or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building report taker immediately. MTCS personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.

D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.

E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.

F. MTCS will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with MTCS's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. MTCS ACTION

A. Within three (3) school days of the receipt of a complaint or report of hazing, MTCS shall undertake or authorize an investigation by MTCS officials or a third party designated by MTCS.

B. The building report taker or other appropriate MTCS officials may take immediate steps, at their discretion, to protect the target or victim of the hazing, the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited by this policy.

C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

D. Upon completion of an investigation that determines hazing has occurred, MTCS will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. MTCS action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable MTCS policies and regulations.

E. MTCS is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of MTCS. School officials will notify the parent(s) or guardian(s) of students who are targets or victims of hazing and the parent(s) or guardian(s) of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.

F. In order to prevent or to respond to hazing committed by or directed against a child with a disability, MTCS shall, where determined appropriate by the child's individualized education program (IEP) team or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in hazing.

VI. RETALIATION OR REPRISAL

MTCS will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of MTCS who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or who testifies, assists, or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

VII. DISSEMINATION OF POLICY

- A. This policy shall appear in each school's student handbook and in each school's building and staff handbooks.
- B. MTCS will develop a method of discussing this policy with students and employees.

Policy 531 (Pledge of Allegiance) [Minn. Stat. § 121A.11]:

I. PURPOSE

The Minnesota Transitions Charter School (MTCS) Board recognizes the need to display an appropriate United States flag and to provide instruction to students in the proper etiquette, display, and respect of the flag. The purpose of this policy is to provide for recitation of the Pledge of Allegiance and instruction in school to help further that end.

II. GENERAL STATEMENT OF POLICY

Students in MTCS shall recite the Pledge of Allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

- A. By each individual classroom teacher or the teacher's surrogate; or
- B. Over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

III. EXCEPTIONS

Anyone who does not wish to participate in reciting the Pledge of Allegiance for any personal reasons may elect not to do so. Students and school personnel must respect another person's right to make that choice. This statement allowing students to elect to not participate shall be included in the student handbook.

IV. INSTRUCTION

Students will be instructed in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

Minnesota Statute 120B.31, Subdivision 4a (student participation) requires school districts to provide notice to parents or guardians of their option to refuse to have their students take the statewide assessments. The Commissioner of the Minnesota Department of Education (MDE) has developed a form for parents to use to exercise this option.

Minnesota Statute 121A.30 (Pesticide application at school):

Should MTCS plan to apply a pesticide which in a toxicity category, we will provide notice no later than September 15 of each school year during which pesticides are planned to be applied and will inform parents that an estimated schedule of applications of pesticides listed in subdivision 2 is available for review or copying at the school offices, and that a parent may receive prior notice of each application if specifically requested.

Minnesota Statute 123B.03 (Background check required):

Subdivision 1. Background check required.

(a) A school hiring authority, as defined in subdivision 3, shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all individuals who are offered employment in the school, as defined in subdivision 3. In order to be eligible for employment, an individual who is offered employment must provide an executed criminal history consent form and a money order or check payable to either the bureau of criminal apprehension or the school hiring authority, at the election of the school hiring authority, in an amount equal to the actual cost to the bureau of criminal apprehension and the school district of conducting the criminal history background check. A school hiring authority electing to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the bureau of criminal apprehension directly to conduct the background check. The superintendent of the bureau of criminal apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers. A school hiring authority, at its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of children, families, and learning within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

- (1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
- (2) the other school hiring authority conducted a criminal background check within the previous 12 months;
- (3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and
- (4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the bureau of criminal apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an

independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority elects to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the bureau of criminal apprehension and the school district of conducting the criminal history background check.

Notwithstanding section [299C.62](#), subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the bureau of criminal apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section [299C.62](#), subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

Subd. 2. **Conditional hiring; discharge.** A school hiring authority may hire an individual pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment may be terminated based on the result of the background check. A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the result of a background check under this section.

Subd. 3. **Definitions.** For purposes of this section:

(a) "School" means a school as defined in section [120A.22](#), subdivision 4, except a home-school, and includes a school receiving tribal contract or grant school aid under section [124D.83](#); school, for the purposes of this section, also means a service cooperative, a special education cooperative, or an education district under Minnesota Statutes 1997 Supplement, section [123.35](#), a charter school under section [124D.10](#), and a joint powers district under section [471.59](#).

(b) "School hiring authority" means the school principal or other person having general control and supervision of the school.

Minn. Statute 121A.72 (school locker policy):

121A.72 SCHOOL LOCKER POLICY.

Subdivision 1.**Policy.** It is the policy of the state of Minnesota that:

"School lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice

of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials."

Subd. 2. Dissemination.

The locker policy must be disseminated to parents and students in the way that other policies of general application to students are disseminated. A copy of the policy must be provided to a student the first time that the student is given the use of a locker.

Discipline Addendum

All students have the right to an excellent education. At MTCS we strive to maintain a safe learning environment. Students that consistently disrupt the learning environment or exhibit unsafe behaviors will be subject to discipline.

A suspension from school is: The student's right to education at the school is suspended (put on hold) for a period of time, typically 1-5 days.

An expulsion from school is: A school board decision to suspend the student from all MTS programs for a period of 12 months.

Events that may result in discipline including expulsion:

- Multiple suspensions
- Physical attack on a student or a teacher
- Harassment of any kind and terroristic threats
- Sexual Conduct
- Theft / Burglary
- Threatening Acts
- Arson
- Possession of ammunition, fireworks, explosives, alcohol, drugs, and/or weapons or items that look like or function as weapons

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Student Acknowledgement Form

Student Handbook

I have received the 2021-2022 MTCS School Student Handbook. I acknowledge and will abide by the policies and guidelines defined in the handbook. I understand that violation of school policies and guidelines may result in disciplinary actions.

Student _____

Date _____

Parent _____

Date _____

Publishing of Student's Achievements or Image

Occasionally the opportunity may arise for a student's achievements and/or image to be published in various venues (ex. school website, newsletter, etc.). Signing below authorizes the use of the student's works or image by Minnesota Transitions Charter School.

Parent _____

Date _____