

*Technical Academies of Minnesota*

*Adopted: Orig. 6/23/2013*

*Revised: 3/2018*

*Revised: 8/25/2020*

**504.1 STUDENT SEX NONDISCRIMINATION**

**I. PURPOSE**

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

**II. GENERAL STATEMENT OF POLICY**

- A. The District provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the District on the basis of sex.
- B. It is the responsibility of every District staff to comply with this policy.
- C. The School Board designates a representative from the board each year as its Title IX coordinator. This employee coordinates the District's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss them with the Title IX Coordinator. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. In the absence of a specific designee, an inquiry or complaint should be referred to the District Human Rights Officer.

**III. REPORTING GRIEVANCE PROCEDURES**

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

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

- B. The District Human Rights Officer is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence. Any District staff member who receives a report of religious, racial or sexual harassment or violence shall inform the District Human Rights Officer immediately.
- C. Upon receipt of a report or grievance, the District staff member must notify the District Human Rights Officer immediately, without screening or investigating the report. The Convener 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 Convener to the District Human Rights Officer. If the report was given verbally, the District staff member shall personally reduce it to written form within 24 hours and forward it to the District Human Rights Officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the District staff member. If the complaint involves the District staff member, the complaint shall be made or filed directly with the District Human Rights Officer by the reporting party or complainant.
- D. The school board hereby designates Kelly Enriquez, [kenriquez@technicalacademies.org](mailto:kenriquez@technicalacademies.org) or 507-400-4009, as the District Human Rights Officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the District Human Rights Officer, the complaint shall be filed directly with the Convener.
- E. The District shall conspicuously post the name of the Title IX coordinator and District Human Rights Officer, including office mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. The District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

#### **IV. INVESTIGATION**

- A. By authority of the District, the District Human Rights Officer, upon receipt of a 2 report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by

District officials or by a third party designated by the District.

- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the District may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The District Human Rights Officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the Convener, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **V. SCHOOL DISTRICT ACTION**

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

## **VI. REPRISAL**

The District will discipline or take appropriate action against any District student, staff or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any

form of intimidation, reprisal or harassment.

## **VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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

## **VIII. DISSEMINATION OF POLICY AND EVALUATION**

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

*Legal References:* Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. Ch. 363 (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)

*Cross References:* MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence) MSBA/MASA  
Model Policy 528 (Student Parental, Family, and Marital Status  
Nondiscrimination)

**INDEPENDENT SCHOOL DISTRICT NO. 4217**

**UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT**

**I. General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student**

Independent School District No. 4217 maintains a firm policy prohibiting all forms of unlawful sex discrimination. All students are to be treated with respect and dignity. Unlawful sex discrimination by any District staff or other school personnel will not be tolerated under any circumstances.

Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

Work Address: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Date of Alleged Incident(s): \_\_\_\_\_

Name of person you believe unlawfully discriminated toward you or a student on the basis of sex: \_\_\_\_\_

If the alleged unlawful sex discrimination was toward another person, identify that person: \_\_\_\_\_

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

Where and when did the incident(s) occur: \_\_\_\_\_

List any witnesses that were present: \_\_\_\_\_

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

\_\_\_\_\_  
(Complainant Signature)

\_\_\_\_\_  
(Date)

Received by: \_\_\_\_\_

