

Nerstrand Elementary School Policy 522
Independent Charter School District #4055
Adopted: 1/14/2002

522 STUDENT SEX NONDISCRIMINATION

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

A. Nerstrand School provides equal educational opportunity for all students, and does not unlawfully discriminate on the basis of sex. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school on the basis of sex.

B. It is the responsibility of every school employee to comply with this policy.

C. Any student, parent or guardian having questions regarding this policy should discuss it with the appropriate school official provided by policy. In the absence of a specific designee, an inquiry or complaint should be referred to the Chairperson of the Nerstrand Elementary School Board of Directors.

III. REPORTING GRIEVANCE PROCEDURES

A. Any student believing he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school 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 school official designated by this policy or may file a grievance. Nerstrand School encourages the reporting party or complainant to use the report form available from the Director or school office, but oral reports are considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school Director or board chairperson.

B. The Director is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school personnel who receiving a report of unlawful sex discrimination toward a student shall inform the school Director immediately.

C. Upon receipt of a report or grievance, the Director must notify the chairperson of the School Board of Directors immediately, without screening or investigating the report. The

Director may request, but may not insist upon a written complaint. The Director will forward a written statement of the facts alleged as soon as reasonable to the Nerstrand School Board Chairperson. If the report was given verbally, the Director will personally reduce it to written form within (2) two school days and forward it to the Nerstrand School Board Chairperson or designee. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in corrective action against the Director. If the complaint involves the Director, the complaint shall be made or filed directly with the Nerstrand School Board Chairperson or local law enforcement by the reporting party or complainant.

D. The Director is designated as the school district human rights officer(s) to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the Nerstrand School Board Chairperson or local law enforcement.

E. Nerstrand School district will conspicuously post the name of the human rights officer(s), including 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 school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action conforming with any discovery or disclosure obligations.

IV. INVESTIGATION

A. By authority of the Nerstrand Elementary School Board of Directors, the human rights officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The Director or a third party designated by the Board of Directors may conduct the investigation.

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 school will 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 school 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 Director shall make a written report to the School Board Chairperson upon completion of the investigation. If the complaint involves the Director, the report may be filed directly with the School Board Chairperson. 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 ACTION

A. Upon conclusion of the investigation and receipt of a report, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.

B. The result of the school's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

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

VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES.

These procedures do not deny the right of any individual to pursue other avenues of recourse including the filing of charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

VIII. DISSEMINATION OF POLICY AND EVALUATION

A. This policy shall be made available to all students, staff members, employee unions and organizations.

- B. This policy and the school's operation for compliance with state and federal laws prohibiting discrimination is reviewable on a continuous basis.