

522 Student Sex Nondiscrimination Policy

Adopted: March 1, 2005

Modified: July 2022

Last review: July 2022

1 Purpose

2 Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education
3 Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to establish
4 definitions, reporting processes, grievance and investigation procedures regarding claims of unfair sex
5 discrimination practices in education.

6 Policy

- 7 A. Minnesota Online High School, hereafter referred to as MNOHS, provides equal educational
8 opportunity for all students, and does not unlawfully discriminate on the basis of sex (including sexual
9 orientation; gender identity or expression; pregnancy or pregnancy related conditions; and sex
10 stereotypes). No student will be excluded from participation in, denied the benefits of, or otherwise
11 subjected to discrimination under any educational program or activity operated by the school district on
12 the basis of these characteristics.
- 13 B. MNOHS athletic programs are designated for and opened to all students on an equal basis, except
14 when separate teams are necessary in grades seven and above or for 12 years old and older, to provide
15 equal opportunity to all. Equity shall be assured annually in all areas, such as equipment and supplies,
16 scheduling games and practice times, travel, overnight and per diem allowances, coaching expertise,
17 assignment and compensation of coaches, athletic facilities, locker rooms and publicity if the district
18 provides separate teams on the basis of sex.
- 19 C. It is the responsibility of every MNOHS employee to comply with this policy.
- 20 D. The school board designates the executive director as its Title IX coordinator. The executive
21 director coordinates the school's efforts to comply with and carry out its responsibilities under Title IX.

22 E. Any student, parent or guardian having questions regarding the application of Title IX and its
23 regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating
24 solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the
25 United States Department of Education.

26 **Reporting Grievance Procedures**

27 A. Any student who believes they have been the victim of unlawful sex discrimination by a teacher,
28 administrator or other school district personnel, or any person with knowledge or belief of conduct which
29 may constitute unlawful sex discrimination toward a student should report the alleged acts immediately
30 to the executive director. MNOHS encourages the reporting party or complainant to report via email oral
31 reports shall be considered complaints as well. Nothing in this policy shall prevent any person from
32 reporting unlawful sex discrimination toward a student directly to the executive director or Board
33 president if the executive director is suspected of sex discrimination.

34 B. The executive director, as the district human rights officer, is the person responsible for receiving
35 oral or written reports or grievances of unlawful sex discrimination toward a student. Any adult school
36 district personnel who receives a report of unlawful sex discrimination toward a student shall
37 immediately inform the executive director.

38 If a complaint involves the executive director, the complaint must be made or filed directly with the
39 Board president by the reporting party or complainant. The Board president shall assume responsibility
40 of conducting an investigation.

41 C. The executive director or Board president may request but may not require a written complaint.
42 If the report was given verbally, the recipient of the report will reduce it to written form within 24 hours.
43 This report will be filed in the student's paper file (if one exists) and in the paper file of the employee
44 against whom the complaint is filed.

45 D. This policy and the contact information for the executive director and Board president shall be
46 posted on the school's website, placed in the MNOHS handbook as well as in the teaching resources
47 course in the school's learning management system.

48 E. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a
49 student will not affect the complainant or reporter's future employment, grades or work assignments.

50 F. Use of formal reporting forms is not mandatory.

51 G. MNOHS will respect the privacy of the complainant, the individual(s) against whom the
52 complaint is filed, and the witnesses as much as possible, consistent with the school's legal obligations to
53 investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

54

55 **Investigation**

56 A. Upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a
57 student, MNOHS shall promptly undertake or authorize an investigation. The investigation may be
58 conducted by MNOHS officials or by a third party designated by MNOHS.

59 B. The investigation may consist of personal interviews with the complainant, the individual(s)
60 against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or
61 circumstances giving rise to the complaint. The investigation may also consist of any other methods and
62 documents deemed pertinent by the investigator.

63 C. In determining whether alleged conduct constitutes a violation of this policy, MNOHS should
64 consider the facts and surrounding circumstances, the nature of the behavior, past incidents or past or
65 continuing patterns of behavior, the relationships between the parties involved and the context in which
66 the alleged incidents occurred. .

67 D. In addition, MNOHS may take immediate steps, at its discretion, to protect the complainant,
68 pupils, teachers, administrators or other school personnel involved in the complaint process pending
69 completion of an investigation of alleged unlawful sex discrimination toward a student.

70 E. The investigation will be completed within 30 calendar days from receipt of the complaint, unless
71 impractical. The executive director shall make a written report to the Board president upon completion
72 of the investigation. If the complaint involves the executive director, the investigation shall be conducted
73 by Board president and discussed with the full board in a special session. The report shall include a
74 determination of whether the allegations have been substantiated as factual and whether they appear to be
75 violations of this policy.

76 G. Upon completion of the investigation, the complainant/reporter has a right to review the written
77 report in accordance with state and federal law regarding data or records privacy.

78 **School District Action**

79 A. Upon conclusion of the investigation and receipt of a report, the school district will take
80 appropriate and effective action. If it is determined a violation of this policy has occurred, such action
81 may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation,
82 termination or discharge. Actions may also include alternate dispute resolution, including restorative
83 practices, school-wide training, counseling, and class transfer. Any action taken for violation of this
84 policy will be consistent with requirements of applicable contracts and other employment agreements ,
85 Minnesota and federal law and school district policies.

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

89 C. MNOHS will comply with federal and state law pertaining to retention of records.

90 **Reprisal**

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

96 **Right to Alternative Complaint Procedures**

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

- 101 Minnesota Department of Human Rights
102 Griggs Midway Building
103 540 Fairview Ave North, Suite 201
104 St. Paul, Minnesota 55104
105 651-539-1100 or 1-800-657-3704
106 Info.mdhr@state.mn.us
107 File a complaint online: <https://mn.gov/mdhr/intake>
108
109 Office for Civil Rights - Chicago Office
110 U.S. Department of Education
111 John C. Kluczynski Federal Building
112 230 S. Dearborn Street, 37th Floor
113 Chicago, IL 60604
114 Telephone: (312) 730-1560
115 Facsimile: (312) 730-1576
116 Email: OCR.Chicago@ed.gov
117 File a complaint online: <https://ocr cas.ed.gov/>

118 **Dissemination of Policy and Evaluation**

- 119 A. This policy shall be posted in the MNOHS handbook, placed in the teaching resources course in
120 the school's learning management system and posted to the school's website.
- 121 B. This policy shall be given to each school district employee and independent contractor at the time
122 of entering into the person's contract or other employment agreement.
- 123 C. The school district shall periodically review this policy and MNOHS' operation for compliance
124 with state and federal laws prohibiting discrimination

125 **Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
126 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
127 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
128 34 C.F.R. Part 106 (Implementing Regulations of Title IX)