

***Student Gender Non-Discrimination***

The School District provides equal educational opportunity for all students and does not unlawfully discriminate on the basis of gender. 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 District on the basis of gender.

It is the responsibility of every School District employee to comply with this policy.

Any student, parent or guardian having questions regarding this policy should discuss it with the appropriate School District official provided by policy. In the absence of a specific designee, an inquiry or complaint should be referred to the Superintendent or the School District Human Rights Officer.

**Reporting Grievance Procedures**

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other School 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 School District official designated by this policy or may file a grievance. The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District Office, 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 School District Human Rights Officer or to the Superintendent.
- B. **In Each School Building.** The building principal 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 District personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal immediately.
- C. Upon receipt of a report or grievance, the principal must notify the School District Human Rights Officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be

made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party or complainant.

- D. The School Board hereby designates the Executive Director of Human Resources as the School District Human Rights Officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent.
- E. The School District shall conspicuously post the name of the Human Rights Officer, 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, and to conform with any discovery or disclosure obligations.

#### Investigation

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

#### School District Action

- A. Upon conclusion of the investigation and receipt of a report, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School District 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 District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District in accordance with state and federal law regarding data or records privacy.

#### Reprisal

The School District 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.

#### 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.

#### Dissemination of Policy and Evaluation

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

- B. The School District shall review this policy and the School District's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References: 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: Board Policy 102 (Equal Educational Opportunity)  
Board Policy 413 (Harassment and Violence)

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*St. Cloud Area School District 742  
628 Roosevelt Road  
St. Cloud, MN 56301*

**Administrative Procedures**  
*August 24, 2000*

**St. Cloud Area School District 742**  
**UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT**

General Statement of Policy Unlawful Sex Discrimination Toward a Student

St. Cloud Area School District 742 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 teacher, administrator, 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 ro 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: \_\_\_\_\_