



## **EMPLOYEE SEX NONDISCRIMINATION**

### **I. PURPOSE**

Employees 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 employment opportunity for all individuals and to prohibit discrimination on the basis of sex.

### **II. GENERAL STATEMENT OF POLICY**

- A. The Academy provides equal employment opportunity for all individuals, and does not unlawfully discriminate on the basis of sex. No individual will be, on the basis of sex, excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in employment, or recruitment, consideration, or selection therefore, whether full-time or part-time, under any education program or activity operated by the Academy.
- B. It is the responsibility of every Academy employee to comply with this policy.
- C. The school board hereby designates the Activities Director, St. Croix Preparatory Academy, 4260 Stagecoach Trail N, Stillwater, MN 55082, 651-395-5904, as its Title IX Coordinator. This employee coordinates the Academy's efforts to comply with and carry out its responsibilities under Title IX. Persons who wish to make a complaint regarding a sex discrimination matter may use the accompanying Discrimination, Harassment, and Violence Report Form. The form should be given to the Title IX Coordinator.
- D. Any individual 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.

### **III. REPORTING GRIEVANCE PROCEDURES**

- A. File Complaint with Title IX Coordinator
  - 1. Any employee who believes he or she has been discriminated against in violation of this policy by a teacher, administrator, other Academy personnel, or agent of the Academy, including, but not limited to, volunteers, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward an employee may file a local grievance (also referred to as a complaint) with the Title IX Coordinator. Any school principal, other administrator, or other employee who receives a report of discrimination prohibited by this policy shall inform the Title IX Coordinator immediately. If the complaint relates to the Title IX Coordinator, then the complaint may be submitted to the Executive Director.
  - 2. The Academy encourages the complainant to file a complaint within thirty (30) days of the alleged violation whenever possible. Upon filing a complaint with the Academy, the complainant will be asked to provide a brief description of

the alleged discriminatory action, the date of the alleged action, and the name of the person(s) responsible for the alleged action.

3. The Academy encourages the complainant to use the accompanying Discrimination, Harassment, and Violence Report Form, but oral reports will be considered complaints as well. Use of the Report Form is not mandatory.
4. Submission of a good faith complaint of sex discrimination toward an employee will not affect the complainant's future employment, work assignments, or work environment.
5. False accusations or complaints of discrimination against another person are prohibited.

## B. Pre-Grievance Contact

Prior to the submission of a grievance, the complainant may request a pre-grievance contact with the individual alleged to be directly responsible for the discriminatory action and/or with the persons having immediate supervisory authority related to the grievance. These persons may make reasonable efforts to meet with the Title IX Coordinator to discuss the grievance that the complainant wishes to bring to their attention. Such a pre-grievance contact shall be at the option of the complainant; it shall not be a precondition for the submission of a grievance to the Title IX Coordinator.

## C. Investigation of Complaint

1. By authority of the Academy, the Title IX Coordinator, upon receipt of a complaint shall promptly undertake or authorize an investigation unless the matter can be resolved informally. The investigation may be conducted by Academy officials or by a third party designated by the Academy.
2. 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.
3. In determining whether alleged conduct constitutes a violation of this policy, the Academy 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.
4. The investigation will be completed within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. Upon completion of the investigation, the investigator shall make a written report of the result of the Academy's investigation to the Title IX Coordinator, who shall forward the report to the Executive Director. If the Title IX Coordinator (as opposed to some other individual designated by the Academy) conducted the investigation, the report shall be filed directly with the Executive Director. The report shall include a determination of whether the allegations have been substantiated and whether they appear to be violations of this policy. The result of the Academy's investigation will be reported in writing to the

complainant by the Academy in accordance with state and federal law regarding data or records privacy. The complainant will also be informed of the right to appeal per paragraph D below.

#### D. Appeal of Complaint

In the event the complainant does not believe that the complaint has been resolved to his or her satisfaction, he or she may appeal to the Title IX Coordinator. If the Title IX Coordinator (as opposed to some other individual designated by the Academy) conducted the investigation, the appeal may be filed directly with the Executive Director. Any appeal must be made in writing within ten (10) school days of receipt of the written result of the Academy's investigation.

#### E. Review of Appeal

The Title IX Coordinator shall conduct a review of a timely appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and respond in writing to the complainant to the extent allowed by law. If the Title IX Coordinator conducted the investigation, this review shall be conducted by the Executive Director. The decision of the Title IX Coordinator (or of the Executive Director if that individual conducted the review) is final but does not prohibit the complainant from pursuing alternative complaint procedures as discussed below in Section VI.

### **IV. ACADEMY ACTION**

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

### **V. RETALIATION OR REPRISAL**

The Academy will discipline or take appropriate action against any teacher, administrator, or other school personnel, or agent of the Academy, including, but not limited to, volunteers, who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged discrimination toward an employee prohibited by this policy, or who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such discrimination or retaliation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the retaliation or reprisal.

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

These procedures do not deny the right of any individual to pursue other avenues of recourse at any time 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 for Civil Rights for the United States Department of Education or the Equal Employment Opportunity Commission.

U.S. Department of Education  
Office for Civil Rights, Chicago Office  
500 W. Madison Street – Suite 1475  
Chicago, IL 60661  
Tel: 312-730-1560  
Fax: 312-730-1576  
Email: OCR.Chicago@ed.gov

MN Department of Human Rights  
Freeman Building  
625 Robert Street North  
St. Paul, MN 55155  
Tel: 651-539-1100  
Toll-free: 1-800-657-3704  
Fax: 651-296-9042  
Email: Info.MDHR@state.mn.us

Equal Employment Opportunity Commission  
330 S. 2nd Avenue, Suite 720  
Minneapolis, MN 55401  
Tel: 1-800-669-4000  
Fax: 612-335-4044

## **VII. PRIVACY**

The Academy 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 Academy's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

## **VIII. POST**

The Academy shall conspicuously post the name of the Title IX Coordinator, including office mailing address and telephone number.

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

- A. This policy shall be made available to all staff members and employee organizations.
- B. The Academy shall review this policy and the Academy's operation for compliance with state and federal laws prohibiting discrimination on a periodic basis.

### ***Legal References:***

*Minn. Stat. Ch. 363A (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)*