



TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS

POLICY:	522
ADOPTED:	11/05/02
REVISED:	06/26/23

I. Purpose

The purpose of this policy is to maintain an education and work environment that is free from discrimination based on sex or sexual orientation including gender identity and expression, as well as free from sexual harassment for all school district employees and students.

II. General Statement of Policy

- A. The school district does not discriminate on the basis of sex or sexual orientation including gender identity and expression in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. No employee or 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 sex or sexual orientation, including gender identity and expression, and sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.
- D. It is the responsibility of every school district employee and student to comply with this policy.
- E. The Superintendent hereby designates the Director of Special Services, Abel Riodique, 2990 80th Street East, Inver Grove Heights, Minnesota, 651-306-7828, riodique@isd199.org as its Title IX Coordinator. This employee coordinates the

school district's efforts to comply with and carry out its responsibilities under Title IX.

- F. Any persons having questions regarding the application of Title IX and its regulations and/or this policy and grievance process 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 superintendent or the school district human rights officer.
- G. The school district's grievance procedure and form for complaints of discrimination, harassment, violence and other offensive behavior can be found in Appendix I and Appendix II of this policy. Title IX Sex Nondiscrimination definitions can be found in Appendix III.
- H. This policy is replacing former Policy 522 Student Sex Nondiscrimination. Alleged violations of this policy occurring prior to August 14, 2020 will be referred to the previous Policy 522 Student Sex Nondiscrimination.

III. Basic Requirements for Grievance Process

- A. Equitable Treatment
 - 1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
 - 2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
 - 3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.
- B. Objective and Unbiased Evaluation of Complaints
 - 1. If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation or recusal from the process the person for whom a conflict or potential conflict of interest exists.
 - 2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a

complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

- D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United State Code section 1232g, or FERPA's regulations, and State law under Minnesota statute section 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

- E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

- F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to

prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

IV. Reporting a Grievance

Further information on reporting a grievance can be found in the district's grievance procedures and grievance process contained in Appendix I and Appendix II of this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

V. Dissemination of Policy and Evaluation

- A. This policy shall be made available to all students, employees, parents and/or guardians of students, and employee unions.
- 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.

- C. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work email address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.

VI. Recordkeeping

The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.

Legal References: Minn. Stat. 121A.04 - Athletic Programs; Sex Discrimination
Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
Minn. Stat. Ch. 363A - Minnesota Human Rights Act
20 U.S.C. §§ 1681-1688 - Title IX of the Education Amendments 2
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)
34 C.F.R. Part 106 - Implementing Regulations of Title IX
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))
Minnesota Department of Education/Office of Civil Rights Review 2018

Cross References: Policy 102 - Equal Educational Opportunity
Policy 413 - Harassment and Violence
Policy 506 - Student Discipline
Policy 528 - Student Parental, Family, and Marital Status Nondiscrimination
ISD 199 Grievance Procedure and Form for Complaints of Discrimination, Harassment, Violence and Other Offensive Behavior MSBA / MASA Model
Policy Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process

Appendix I

GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR

Independent School District 199 maintains a firm policy prohibiting all forms of unlawful discrimination, harassment, violence, and other offensive behavior based on an individual's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation including gender identity and expression, or disability (Protected Class).

ISD 199 prohibits discrimination, harassment, violence and other offensive behavior by or toward a student, school district personnel, or third party that occurs on any property owned or controlled by District or in connection with any activity sponsored by or associated with District. District environments covered include academic, extra-curricular, and co-curricular environments with an approved District association.

The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required. The district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible. The district will provide appropriate remedies to the complainant any time a respondent is found responsible.

I. Reporting a Grievance

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to an appropriate school district official designated by Policy 522 Title IX Sex Nondiscrimination. The complaint must be filed within 90 calendar days of the alleged violation.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this policy shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board or other school district official.
- D. The school board hereby designates Director of Human Resources, Michele

Carroll, 2990 80th Street East, Inver Grove Heights, 651-306-7805, carrollm@isd199.org as the school district Human Rights Officer to receive reports, complaints, or grievances of unlawful discrimination. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent.

- E. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the Superintendent. If the Superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- F. The Human Rights Officer may request a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the Superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- G. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

II. Responsible Administrators

Any prohibited conduct should be reported to the appropriate responsible administrator as outlined below.

- A. Students. A student who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
 - 2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.
- B. School District Personnel members. A school district personnel member who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.

2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.
 - i. If the alleged offender is the Superintendent or a member of the Board of Education, the conduct should be reported to the Chair of the Board of Education.
 - ii. If the alleged offender is the Chair of the Board of Education, the conduct should be reported to the Vice-Chair.
- C. Third Parties. A third party who is the target of alleged prohibited conduct should make a complaint as follows:
1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
 2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.

Responsible administrators who receive complaints of alleged prohibited conduct must document all complaints using District provided report forms, which can be obtained from the school principal, the District office or on the District's website.

Nothing in this procedure prevents any individual from reporting alleged prohibited conduct directly to the Superintendent or from using alternative District policies or procedures. For example, employees and students may report sex discrimination to the District's Title IX Coordinator. In addition, to the extent permitted by the agencies, individuals may file complaints with outside agencies including the Minnesota Department of Human Rights, the U.S. Department of Education Office of Civil Rights (Region V), and the Equal Employment Opportunity Commission.

III. Investigation of a Grievance

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or the Section 504 Coordinator for complaints of disability discrimination, or a school district official or neutral third party designated by the Title IX coordinator, Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.
- 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 other methods deemed pertinent by the investigator.

- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.
- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- E. The individual accused of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- F. The investigation will be completed as soon as practicable. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the Superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- G. The district shall comply with federal and state law pertaining to retention of records.

IV. Appeal Process

If the grievance has not been resolved to the satisfaction of the complainant, the complainant may appeal to the Human Rights Officer within ten (10) school days of receipt of the findings of the school district investigation. The school district investigator shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall affirm, reverse, or modify the findings of the report. The decision of the school district investigator is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled "Right to Alternative Complaint Procedures."

V. School District Action

- A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, restorative practices, remediation, warning, suspension, expulsion, transfer or termination. School

district action taken for violation of this policy shall be consistent with the 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 shall be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

VI. Retaliation

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

VII. Conflict of Interest

If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation or recusal from the process the person for whom a conflict or potential conflict of interest exists.

VIII. Dissemination of Procedures

The school district shall adopt and publish these procedures on the district's website.

IX. District Grievance Contacts

Title IX Coordinator/Section 504 Coordinator
Director of Special Services, Abel Riodique
2990 80th Street East
Inver Grove Heights, Minnesota 55076
651-306-7828
riodiquea@isd199.org

Title IX Alternative Coordinator
Activities Director, Will Short
2920 80th Street East

Inver Grove Heights, Minnesota 55076
651-306-7002
shortw@isd199.org

Section 504 Alternative Coordinator
Assistant Director of Special Education, Kris Hillesheim
2990 80th Street East
Inver Grove Heights, MN 55076
651-306-7826
hillesheimk@isd199.org

Human Rights Officer &
For Complaints of Employment Discrimination:
Director of Human Resources, Michele Carroll
2990 80th Street East, Inver Grove Heights, MN 55076
651-306-7805
carrollm@isd199.org

X. 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 agencies listed below or initiating action in state or federal court.

Claims of discrimination may also be pursued through the following agencies where appropriate:

U.S. Department of Education
Office for Civil Rights, Region V
500 W. Madison Street – Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
TDD: 312-730-1609

MN Department of Human Rights
190 E 5th Street
St. Paul, MN 55101
800.657.3704
651.296.5663
TDD 651.296.1283

For complaints of employment discrimination:
Equal Employment Opportunity Commission
330 S. 2nd Avenue
Suite 430
Minneapolis, MN 55401
800.669.4000
612.335.4040

TDD 612.335.4045

This is general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

Appendix II

GENERAL STATEMENT OF POLICY PROHIBITING UNLAWFUL DISCRIMINATION, HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR GRIEVANCE FORM

Independent School District 199 maintains a firm policy prohibiting all forms of unlawful discrimination, harassment, violence and all other offensive behavior. All persons are to be treated with respect and dignity. The school district shall treat complainants and respondents equitably. Discrimination, harassment, violence or other offensive behavior on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation including gender identity and expression, or disability (Protected Class) by any student, teacher, administrator or other school personnel that creates an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant:	
Home Address:	
Work Address:	
Home/Cell/Work Phone:	
Date of Alleged Incident(s):	
Name of person you believe harassed, discriminated or was violent toward you or another individual on the basis of protected class:	
If the alleged harassment, discrimination or violence 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 harassed, has discriminated or has been violent toward me or another person on the basis of
Protected Class (race, color, creed, religion, national origin, sex, age, marital status, familial
status, status with regard to public assistance, sexual orientation including gender identity and
expression, or disability). 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. I understand that the
information provided in this complaint will be used consistent with School District policies.

<i>Complainant Signature:</i>	<i>Date:</i>
<i>Received By:</i>	<i>Date:</i>

For more information contact the district's Title IX Coordinator:

*Abel Riodique, Director of Special Services,
2990 80th Street East Inver Grove Heights, MN 55076
Email: riodiquea@isd199.org
Phone: 651-306-7828*

Or

*Human Rights Officer:
Michele Carroll, Director of Human Resources
2990 80th Street East Inver Grove Heights, MN 55076
Email: carrollm@isd199.org
Phone: 651-306-7805*