

NEW HEIGHTS SCHOOLS, INC.

POLICY 522

STUDENT SEX NONDISCRIMINATION

POLICY MANAGEMENT

Adopted: 2/1998

Reviewed/ Revised: 4/11*; 11/11*; 1/15*; 12/17*; 12/18*,11/19**

Mandatory: Yes

Frequency: Annual

Distribution: Website

I. PURPOSE

Students are protected from discrimination based on 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 based on sex.

II. GENERAL STATEMENT OF POLICY

- A. The school provides equal educational opportunity for all students and does not unlawfully discriminate 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 principal. If the complaint involves the principal an inquiry or complaint should be referred to the president of the Board of Directors.
- D. Any student, parent or guardian 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. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, principal or other school personnel, or any person with knowledge or belief of conduct that may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to the principal. If the complaint involves the principal, the complaint shall be made or filed directly with the president of the Board of Directors by the reporting party or complainant.
The school encourages the report to be submitted in writing, 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 the principal or to the Board of Directors.
- B. Upon receipt of a report or grievance, the principal may request, but may not insist upon a written complaint. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours

- C. The Board of Directors hereby designates the school principal as the school human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the principal, the complaint shall be filed directly with the president of the Board of Directors.
- D. The school shall post the name of the Title IX coordinator and human rights officer, including office mailing addresses and telephone numbers.
- E. 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.
- F. Use of formal reporting forms is not mandatory.
- G. The school 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's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. By authority of the school, the principal, 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 officials or by a third party designated by the school.
- 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 should consider the surrounding circumstances, 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 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, principal 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. If the complaint involves the principal, the report may be filed directly with the president of the Board of Directors. 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. School action taken for violation of this policy will be consistent with requirements of applicable Minnesota and federal law and school 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, principal 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 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 of Civil Rights for the United States Department of Education.

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, and staff members.
- B. The school shall review this policy and the school's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

(Report Form attached)

NEW HEIGHTS SCHOOL

UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT

General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student

New Heights School 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, principal 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 or 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: _____
