



Adopted: September 2004

EMID 6067 Board Policy 522

Revised: January, 2015; February 17, 2016; October 19, 2016

522 STUDENT SEX AND GENDER NONDISCRIMINATION

I. PURPOSE

Students 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 educational opportunity for all students and to prohibit discrimination on the basis of sex, gender identity, or gender expression. EMID ensures that all students have access to programming in which they feel comfortable and safe.

II. GENERAL STATEMENT OF POLICY

- A. EMID's integration programs provide equal educational opportunity for all students, and do not unlawfully discriminate on the basis of sex or gender identity or expression. No student will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination under any educational program or activity operated by EMID on the basis of sex or gender.
- B. EMID staff and systems ensure inclusive access to programming. EMID will respect all students' gender identity and gender expression by honoring the rights of students to be identified and addressed by their preferred name and pronoun. Within programming, prohibit the separation of students based on gender or sex unless it serves as a compelling pedagogical tool. Provide all students the opportunity to participate in activities in a manner consistent with their gender identity.
- C. It is the responsibility of every EMID employee to comply with this policy.
- D. The Board hereby designates the Executive Director as its Title IX Coordinator. This employee coordinates the district's efforts to comply with and carry out responsibilities under Title IX.
- E. Any student, parent or guardian having questions regarding the application of Title IX and its regulations and/or this policy should discuss it with the appropriate EMID official provided by this policy

III. DEFINITIONS

- A. Gender refers to the socially constructed roles, behaviors, activities, and attributes that a given society attaches to femininity or masculinity.
- B. Gender Expression refers to the manner in which persons represent or express

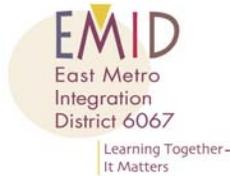


gender to others, often through behavior, clothing, hairstyles, activities, voice, or mannerisms.

- C. Gender Identity refers to a person's deeply held sense or knowledge of their own gender.
- D. Sex refers to a person's biology and is generally categorized as male, female, or intersex.
- E. Transgender is an adjective describing persons whose gender identity or expression is different from that traditionally associated with the sex at birth.

IV. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex or gender discrimination by any EMID personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex or gender discrimination toward a student should report the alleged acts immediately to the EMID Executive Director or may file a grievance. EMID encourages the reporting party or complainant to use the report form available from the Executive Director's office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex or gender discrimination toward a student directly to the EMID Executive Director.
- B. Integration Programs. Program supervisors are responsible for receiving oral or written reports or grievances of unlawful sex or gender discrimination toward a student. EMID adult personnel who receive a report of unlawful sex or gender discrimination toward a student shall inform the program supervisors immediately.
- C. Upon receipt of a report or grievance, the program supervisor must notify the EMID Executive Director immediately, without screening or investigating the report. The program supervisor may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable to the Executive Director. If the report was given verbally, the program supervisor shall personally reduce it to written form within 24 hours and forward it to the Executive Director. Failure to forward any report or complaint of unlawful sex or gender discrimination toward a student as provided herein may result in disciplinary action against the program supervisor. If the complaint involves the program supervisor, the complaint shall be made or filed directly with the Executive Director by the reporting party or complainant.
- D. The Board hereby designates the Executive Director as the EMID Human Rights Officer to receive reports, complaints, or grievances of unlawful sex or gender



discrimination toward a student. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the chair of the EMID Board.

- E. EMID shall post the name of the Executive Director, including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint, grievance or report of unlawful sex or gender discrimination toward a student will not affect the complainant or reporter's future employment, work assignments, or program participation.
- G. Use of formal reporting forms is not mandatory.
- H. EMID 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 EMID's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

V. INVESTIGATION

- A. By authority of EMID, the Human Rights Officer, upon receipt of a report, complaint or grievance alleging unlawful sex or gender discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by district officials or by a third party designated by EMID.
- 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, EMID 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, EMID may take immediate steps, at its discretion, to protect the complainant, pupils, administrators or other EMID personnel pending completion of an investigation of alleged unlawful sex or gender discrimination toward a student.
- E. The investigation will be completed as soon as practicable. The EMID Human Rights Officer shall make a written report upon completion of the investigation. 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.



VI. SCHOOL DISTRICT ACTION

- A. Upon conclusion of the investigation and receipt of a report, EMID will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, remediation, termination or discharge. EMID action taken for violation of this policy will be consistent with requirements of applicable Minnesota and federal law and EMID policies.
- B. A summary of EMID'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.

VII. REPRISAL

EMID will discipline or take appropriate action against any pupil, administrator or other EMID personnel who retaliates against any person who reports alleged unlawful sex or gender 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 or gender discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. 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.

IX. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy will be made available to all students, parents, staff members, and organizations at each integration program.
- B. EMID shall review this policy and EMID's operation for compliance with state and federal laws prohibiting discrimination on a regular basis.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
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)

Cross References: EMID Policy 102 (Equal Educational Opportunity)
EMID Policy 413 (Harassment and Violence)
EMID Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)