

Math and Science Academy

Adopted: August 5, 1999

Revised: November 6, 2003

Revised: December 14, 2015

Revised: February 13, 2017

522 STUDENT SEX NONDISCRIMINATION

[Note: School districts are required by statute to have a policy addressing these issues.]

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.

II. GENERAL STATEMENT OF POLICY

- A.** The Math and Science Academy (MSA) provides equal educational opportunity for all students, and does not unlawfully discriminate on the 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 MSA on the basis of sex.
- B.** It is the responsibility of every MSA employee to comply with this policy.
- C.** The MSA Board of Directors (BOD) hereby designates the MSA Director (Director) as its Title IX coordinator. This employee coordinates MSA's efforts to comply with and carry out its responsibilities under Title IX.

**MSA's Title I Coordinator:
John Gawarecki, MSA Director
8430 Woodbury Crossing
Woodbury, Minnesota 55125
(651) 578-7507
jgawarecki@mnmsa.org**

- 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 Director. 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 Director.

III. REPORTING PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other MSA 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 the Director, MSA encourages the reporting party or complainant to use the report form available from the MSA office, but oral reports shall be considered complaints as well.
- B. The BOD hereby designates the Director as MSA's human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the Director, the complaint shall be filed directly with the BOD.

**MSA's Human Rights Officer:
John Gawarecki, MSA Director
8430 Woodbury Crossing
Woodbury, Minnesota 55125
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jgawarecki@mnmsa.org**

- C. Any adult MSA personnel who receives a report of unlawful sex discrimination toward a student shall inform the Director immediately.
- D. Upon receipt of a report, the Director may request, but may not insist upon a written complaint. If the report was given verbally, the Director shall personally reduce it to written form within 24 hours. If the complaint involves the Director, the complaint shall be made or filed directly with the BOD by the reporting party or complainant.
- E. MSA shall conspicuously post the name of its Title IX coordinator and human rights officer, including office mailing addresses and telephone number.
- F. Submission of a good faith complaint 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. MSA will respect the privacy of the complainant, the individual(s) against who the complaint is filed, and the witness as much as possible, consistent with MSA's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

IV. INVESTIGATION

- A. Upon receipt of a report or complaint alleging unlawful sex discrimination toward a student, the Director shall promptly undertake or authorize an investigation. The investigation may be conducted by MSA officials or by a third party designated by MSA.
- 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, MSA 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, MSA 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 Director shall make a written report upon completion of the investigation. If the complaint involves the Director, the report shall be compiled by the BOD. 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. MATH AND SCIENCE ACADEMY ACTION

- A. Upon conclusion of the investigation and receipt of a report, MSA will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. MSA action taken for violation of this policy will be consistent with requirements of Minnesota and federal law and MSA policies.
- B. The result of MSA's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Director in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

MSA 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.

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 BOD shall review this policy and MSA’s operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

Legal References: Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination) 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: MSA Policy 102 (Equal Educational Opportunity)
MSA Policy 413 (Harassment and Violence)
MSA Policy 528 (Student Parental, Family, and Marital Status
Nondiscrimination)