

Adopted by MSBA/MASA Model Policy 522, Orig. 1995, Rev. 2003
Approved: 9/16/21 by Board of Directors
Reviewed: 8/18/22 by Board of Directors
Revised:

**BLUFFVIEW MONTESSORI SCHOOL
POLICY522
STUDENT SEX 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.

II. GENERAL STATEMENT OF POLICY

- A. Bluffview Montessori School 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 Bluffview Montessori School on the basis of sex.
- B. Every Bluffview Montessori School employee shall be responsible for complying with this policy.
- C. The school board hereby designates Sherry Lohmeyer, Assistant Head of School, Bluffview Montessori School, 1321 Gilmore Ave., Winona, MN 55987, (507) 452-2807 x113, slohmeyer@bluffviewmontessori.org as its Title IX coordinator. This employee coordinates Bluffview Montessori School's efforts to comply with and carry out its responsibilities under Title IX.
- 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. In the absence of a specific designee, an inquiry or complaint should be referred to the Head of School or Bluffview Montessori School human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator, or other Bluffview Montessori School 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 an appropriate Bluffview Montessori

School official designated by this policy or may file a grievance. Bluffview Montessori School encourages the reporting party or complainant to use the report form available from the Head of School or available from the Bluffview Montessori School office, 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 a Bluffview Montessori School human rights officer or to the Head of School.

- B. The Bluffview School Building. The Head of School is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult Bluffview Montessori School personnel who receives a report of unlawful sex discrimination toward a student shall inform the Head of School immediately.
- C. Upon receipt of a report or grievance, the Head of School must notify the Bluffview Montessori School human rights officer immediately, without screening or investigating the report. The Head of School may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Head of School to the human rights officer. If the report was given verbally, the Head of School shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the Head of School. If the complaint involves the Head of School, the complaint shall be made or filed directly with the Bluffview Montessori School human rights officer by the reporting party or complainant.
- D. The school board hereby designates its Title IX coordinator as the Bluffview Montessori School human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the Head of School.
- E. Bluffview Montessori School shall conspicuously post the names of the Title IX coordinator and human rights officer(s), including office addresses and telephone numbers and work e-mail addresses.
- F. 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.
- G. Use of formal reporting forms is not mandatory.
- H. Bluffview Montessori 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 Bluffview Montessori 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 Bluffview Montessori School, the human rights officer, 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 Bluffview Montessori School officials or by a third party designated by Bluffview Montessori 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, Bluffview Montessori School 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, Bluffview Montessori School 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 Bluffview Montessori School human rights officer shall make a written report to the Head of School upon completion of the investigation. If the complaint involves the Head of School, the report may be filed directly with the school board. 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. BLUFFVIEW MONTESSORI SCHOOL ACTION

- A. Upon conclusion of the investigation and receipt of a report, Bluffview Montessori School will take appropriate action. Such action may include,

but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Bluffview Montessori School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and Bluffview Montessori School policies.

- B. The result of Bluffview Montessori School's investigation of each complaint filed under these procedures will be reported in writing to the complainant by Bluffview Montessori School in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

Bluffview Montessori School 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, staff members, employee unions, and organizations.
- B. Bluffview Montessori School shall review this policy and Bluffview Montessori School'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. 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: MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 413 (Harassment and Violence)
MSBA/MASA Model Policy 528 (Student Parental, Family, and
Marital Status Nondiscrimination)



Bluffview Montessori

UNLAWFUL SEX DISCRIMINATION TOWARD A STUDENT

General Statement of Policy Prohibiting Unlawful Sex Discrimination Toward a Student

Bluffview Montessori 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, administrator 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: _____