

HASTINGS PUBLIC SCHOOLS



EMPLOYEE HANDBOOK

2023-2024

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Introduction

We appreciate the service of all staff members and recognize their contributions on behalf of students.

This employee handbook is provided to highlight important information, including general employment policies and requirements that will be useful to you as an employee of Hastings Public Schools. It is intended to provide guidance and support to you in your position, it is not intended to be legal advice.

This employee handbook is not all-inclusive. In addition to the general information outlined in this employee handbook, all employees are expected to familiarize themselves with the information and abide by all School Board policies and procedures. All school district policies and related forms are available in their entirety on the District website www.isd200.org

This employee handbook does not replace your collective bargaining agreement. Please consult your collective bargaining agreement or employee work agreement, for specific information on the terms and conditions of your employment. If you have any questions related to your terms of employment, please contact your supervisor or a Human Resources representative.

The information contained in this handbook is subject to change at any time without notice. This is not an employment contract and does not create a contractual obligation of any kind.

District Strategic Plan

The ISD 200 Strategic Plan was created with input from parents, community members, business leaders, students, staff and teachers and approved by the School Board in July of 2021. The Strategic Plan is the District's roadmap to take us from 2021 and beyond. Below is the information about our Mission, Vision, Core Values and Strategic Anchors:

MISSION

Our Core Purpose

We Care
We Empower
We Achieve

Students are the heart of all we do

OUR CORE VALUES

Drivers of Our Words and Actions

- 1 Student-Centered** - Students at the heart of our words, actions, and decisions
- 2 Compassion and Respect** - How we treat each other daily
- 3 Agility** - Building capacity and skill to proactively respond to the signs of the times, the conditions, and the needs of oneself and others
- 4 Innovation** - Constantly striving to improve and to creatively address challenges and opportunities
- 5 Voice and Choice** - Expressing one's experiences and pursue one's passions
- 6 Partnership** - Seeking to connect, to engage, to leverage the assets and interests of others to improve our students, schools, and communities
- 7 Empathy** - Aspiring to understand and share the feelings of another

VISION

What We Intend to Create

Hastings Public Schools is The Choice of Families for:

A Caring and Inclusive Culture for All

- Safe, accepting, and respectful schools where individual uniqueness, talents, and interests are nurtured
- One's voice is expressed, heard, and valued
- A united and resilient culture of family and community

That Empowers Students, Families, and Staff

- Opportunities and choices are accessible and diverse
- Community collaborations and connections are abundant, robust, and engaging
- Service and support to school and community is energized, recognized, and celebrated

Focused on Achievement and Engagement in All We Do

- All students and staff realize the depth and breadth of their passions and are supported academically, socially, and emotionally to achieve
- Learning and development as a whole person is energizing, empowering, engaging, and excelling for students and staff

STRATEGIC ANCHORS

Drivers of Our Continuous Improvement

A. Engaged Learners

B. Effective Operations

C. Communication and Collaboration

Employee Benefits

The District offers a broad range of benefits to employees. Actual benefits and eligibility levels will vary based on the employee group you are a part of. For detailed information about employee benefits, and the specific benefits for which you are eligible, please review the Employment Agreement for your employee group or visit the [Benefits & Payroll](#) page on our school website. The insurance benefits offered by the District include:

- Medical
- Dental
- Term Group Life
- Supplemental Life
- Long-Term Disability
- Flexible Spending Accounts (Medical and Daycare)
- 403(b) / District Match
- Employee Assistance Program

Open Enrollment

Open enrollment for insurance benefits takes place on an annual basis, usually in May. During this time, you will be provided the option to make changes to your benefit elections. Any changes made outside of this enrollment period will require a qualifying “life event” such as marriage, the birth of a child, etc.

Teachers Retirement Association (TRA)

All certified employees are required to contribute to TRA through payroll deductions at the current employee rate. The district is also required to contribute to TRA, on your behalf, at the current employer rate. Amounts contributed to TRA are done on a per pay period basis. Contact information for TRA is as follows:

Teachers Retirement Association
60 Empire Dr., Suite 400
St Paul MN 55103-4000
651.296.2409 or 800.657.3669
<https://minnesotatra.org/>

Public Employees Retirement Association (PERA)

Non-certified employees, earning over \$425 per month in gross wages, are required to contribute to PERA at the current rate. The district is also required to contribute to PERA, on your behalf, at the current employer rate. Amounts contributed to PERA are done on a per pay period basis. Contact information for PERA is as follows:

Public Employees Retirement Association
60 Empire Dr., Suite 200
St Paul MN 55103-2088
651.296.7460 or 800.652.9026
www.mnpera.org

District Policies

District policies and procedures are a way for school Boards to establish rules and expectations to guide acceptable behavior and ensure that the school and work environment is safe for students, teachers and school staff. The policies highlighted in this employee handbook are just a few of the key policies that impact your work. **As an employee, you are accountable for knowing, understanding, and complying with all School Board policies.** Your sign off on this handbook is acknowledgement that you understand this requirement. A link to the full policy is provided following each summary. You can access all current School Board policies by clicking [here](#).

Equity and Diversity – Policy #100

The District is committed to the success of every student in each of our schools and to our mission and vision statements. The District believes that the responsibility for student success is broadly shared by District staff, families, the community, and our students' own efforts. The purpose of this policy is to establish a framework for the elimination of racism and bias, including cultural bias, as factors affecting student achievement and learning experiences, and to promote learning and work environments that welcome, respect, and value diversity.

The District welcomes, respects and values the diversity of its students, parents, staff and broader community, and understands that:

- All students and their families have dignity and worth.
- All students deserve equitable treatment, opportunities, and education.
- Student potential can be unlocked by focusing on their talents; all students have assets.
- Inclusion of all students and families supports District goals to increase student engagement and academic performance.
- Embracing our diversity through inclusion creates an environment that leverages that diversity and creates schools where students, families, community members and employees feel welcomed, valued, supported, and where students and staff can perform to their personal bests.
- Our collective understanding of diversity and equity must continue to evolve and increase to be well informed and ready to meet the needs of and celebrate our ever-changing population.
- Continuous reflective practices and education are necessary to address and eliminate barriers.
- Academic and engagement evidence, beyond intentions, shall be the measure of whether we are successful.

Link to Policy #100:

<https://www.hastings.k12.mn.us/common/pages/DisplayFile.aspx?itemId=37067895>

Equal Education Opportunities – Policy #102

It is the District's policy to ensure that equal educational opportunity is provided for all students of the school district. This applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.

The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression, or age. The school district also makes reasonable accommodations for disabled students. Harassment of any individual in any of the categories listed above is prohibited.

For information about the types of conduct that constitute violation of the school district's policy on harassment and violence and the school district's procedures for addressing such complaints, refer to the school district's policy on harassment and violence.

Information about the District's policies and procedures with respect to addressing complaints involving sexual harassment, as well as the District's Title IX grievance procedures, can be found in Policy 522. Every school district employee shall be responsible for complying with this policy conscientiously. Any student, parent, or guardian having a question regarding this policy should discuss it with the appropriate school district official as provided by policy.

Link to Policy #102: https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/10/06.28.2023/102%20Equal%20Educational%20Opportunity.pdf

Equal Employment Opportunity Employer – Policies #401 and #402

It is Independent School District 200's policy to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, age, family care leave status or veteran status. The school district also makes reasonable accommodations for disabled employees.

The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute impermissible harassment and the school district's internal procedure for addressing complaints of harassment, please refer to the school district's policy on harassment and violence.

These policies apply to all areas of employment including hiring, discharge, promotion, compensation, facilities or privileges of employment. It is the responsibility of every school district employee to follow these policies.

Link to Policy #401:

[https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/400/401%20Equal%20Employment%20Opportunity%20\(3\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/400/401%20Equal%20Employment%20Opportunity%20(3).pdf)

Link to Policy #402:

[https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/400/12.08.2021/402%20Disability%20Nondiscrimination%20\(3\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/400/12.08.2021/402%20Disability%20Nondiscrimination%20(3).pdf)

Family Medical Leave Act – Policy #410

Employees employed by the District for at least 12 months, and who have worked at least 1,250 hours during the 12 month period immediately preceding the commencement of leave, shall be eligible for leave under the Family and Medical Leave Act. Eligible employees are entitled to a total of 12 weeks of unpaid leave, based on a rolling 12-month period, measured backwards from the start date of the leave request, in the following cases:

- The birth of a son or daughter of the employee and in order to care for such son or daughter;
- The placement of a son or daughter with the employee for adoption or foster care;
- In order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter; or parent has a serious health condition;
- A serious health condition that makes the employee unable to perform the functions of the position of such employee;
- Qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation.

Eligible employees are also entitled to a total of 26 weeks of unpaid leave based on a rolling 12-month period measured backwards from the start date of the leave, when the eligible employee is needed to care for their spouse, son, daughter, parent or next of kin who is a current member of the Armed Forces with a serious injury or illness.

Link to Policy #410:

<https://www.hastings.k12.mn.us/common/pages/DisplayFile.aspx?itemId=37257332>

Expense Reimbursement – Policy #412 and Appropriate Expenditures Guidelines

Requests for reimbursement must be itemized on the expense reimbursement form and signed by the designated supervisor. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required material, parking fees and other reasonable and necessary school district business-related expenses as long as they comply with the District Appropriate Expenditures Guidelines (see link below).

All requests for reimbursement except mileage must include one of the following items as proof of payment:

- A receipt with company name, date & dollar amount paid.
- A copy of the front and back of the canceled check.
- A copy of your credit card statement showing the payment.
- Certificate of completion plus registration material showing cost of workshop.
- Copy of grades/transcripts plus registration material showing cost of class.

When ordering online, a printed copy from the vendor confirming your order and showing the payment transaction must be provided. An order confirmation or screen printed copy of your order that does not show your payment will not be accepted.

Automobile travel shall be reimbursed at the current IRS mileage rate. Requests for reimbursement for mileage must include a map (MapQuest, Google Maps, etc.) with documentation of miles traveled. Mileage reimbursement must be submitted no later than three months of the date of travel; in district travel will be reimbursed according to the district mileage chart. Commercial transportation shall reflect economy fares and shall be reimbursed only for the actual cost of the trip. Hotel reimbursement will not be provided for incidental charges, such as phone calls.

Link to Policy #412: [https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/412%20Expense%20reimbursement%20\(1\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/412%20Expense%20reimbursement%20(1).pdf)

Link to District Appropriate Expenditures Guidelines: https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/412.1%20-%20Administrative%20Procedures%20Tracked%20Changes.pdf

Harassment and Violence – Policy #413

It is the policy of the school district to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The school district prohibits any form of religious, racial or sexual harassment and violence.

It shall be a violation of this policy for any pupil, teacher, administrator, school employee, board member, agent, volunteer, contractor, or other person subject to the supervision and control of the district to harass or to inflict, or attempt to inflict, religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any individual found to have violated this policy.

Link to Policy 413: <https://www.hastings.k12.mn.us/common/pages/DisplayFile.aspx?itemId=37643125>

Mandated Reporting of Child Neglect of Physical or Sexual Abuse - Policy #414

The policy of the school district is to fully comply with Minn. Stat. Ch. 260E requiring school personnel to report suspected child neglect or physical or sexual abuse. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

A mandated reporter, defined as “any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years” shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years, to the local welfare agency, police department, county sheriff, tribal social services, or tribal police department. The reporter will include his or her name and address in the report. A violation of this policy occurs when any school personnel fails to immediately report such information. In addition, a person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.

An employee making such a report must immediately notify their supervisor that the report has been made.

For more detailed information regarding the reporting requirements, please review the entire policy at the link below.

Link to Policy 414:

[https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/0/02.23.2022/414%20Mandated%20Reporting%20of%20Child%20Neglect%20or%20Physical%20or%20Sexual%20Abuse%20\(1\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/0/02.23.2022/414%20Mandated%20Reporting%20of%20Child%20Neglect%20or%20Physical%20or%20Sexual%20Abuse%20(1).pdf)

Drug Free Workplace – Policy #418

The use of controlled substances, toxic substances, or alcohol while on school property, as well as the possession of paraphernalia, whether before, during, or after school hours, is prohibited.

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

Link to Policy #418: [https://cdnsm5-](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/0/07.27.2023/418_DRUG-FREE%20WORKPLACE%20DRUG-FREE%20SCHOOL%20(1).pdf)

[ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/0/07.27.2023/418_DRUG-FREE%20WORKPLACE%20DRUG-FREE%20SCHOOL%20\(1\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/0/07.27.2023/418_DRUG-FREE%20WORKPLACE%20DRUG-FREE%20SCHOOL%20(1).pdf)

Tobacco Free Environment – Policy #419

It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school district, or other persons to use tobacco or tobacco-related devices in a public school. This prohibition includes all off-campus events sponsored by the school district, and extends to all district property/facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls.

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or other persons found to have violated this policy.

Link to Policy #419: https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/40/0/06.28.2023/419%20Tobacco%20Free%20Environment.pdf

Ethical Conduct and Conflict of Interest – Policies #428 and #429

The District requires employees to observe high standards of business and personal ethics, keeping the interests of the district above those of themselves or others, while performing their duties and responsibilities. All school district employees are required to comply with all applicable laws and regulatory requirements. Unethical actions, or the appearance of unethical actions, are unacceptable under any conditions.

Link to Policy #428:
<https://www.hastings.k12.mn.us/common/pages/DisplayFile.aspx?itemId=37309775>

Link to Policy #429:
<https://www.hastings.k12.mn.us/common/pages/DisplayFile.aspx?itemId=37309771>

Bullying Prohibition – Policy #514

An act of bullying, by either an individual student or a group of students, is expressly prohibited on school premises, on school district property, at school functions or activities, or on school transportation. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. It also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges. Additionally, this policy applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources.

No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying. All individuals shall be particularly alert to

possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.

Link to Policy #514:

[https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/500/07.27.2023/514%20Bullying%20Prohibition%20Policy%20\(5\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/500/07.27.2023/514%20Bullying%20Prohibition%20Policy%20(5).pdf)

Protection and Privacy of Student Records – Policy #515

The school district recognizes its responsibility in regard to the collection, maintenance, and dissemination of pupil records and the protection of the privacy rights of students as provided in federal law and state statutes.

The procedures and policies regarding the protection and privacy of parents and students are adopted by the school district, pursuant to the requirements of 20 U.S.C. § 1232g, et seq., (Family Educational Rights and Privacy Act (FERPA)) 34 C.F.R. Part 99 and consistent with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and Minn. Rules Parts 1205.0100-1205.2000.

State law provides that all data collected, created, received, or maintained by a school district are public unless classified by state or federal law as not public or private or confidential. State law classifies all data on individuals maintained by a school district which relates to a student as private data on individuals. This data may not be disclosed to parties other than the parent or eligible student without consent, except pursuant to a valid court order, certain state statutes authorizing access, and the provisions of FERPA and the regulations promulgated thereunder.

Directory information is public unless it falls within the exceptions listed in the policy. Directory information for Hastings Public Schools includes information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Specifically, it includes, but is not limited to the students:

1. Name
2. Electronic mail address
3. Photograph
4. Date and place of birth
5. Major field of study
6. Dates of attendance
7. Grade level
8. District issued email address
9. Student information (ID) number

10. User ID's or other unique personal identifiers used by a student for purposes of accessing or communicating in electronic systems or displayed on an ID badge
11. Enrollment status (i.e., full-time or part-time)
12. Participation in officially recognized activities and sports
13. Weight and height of members of athletic teams
14. Degrees, honors and awards received,
15. The most recent educational agency or institution attended.

Directory information does not include:

1. A student's social security number;
2. A student's identification number (ID), user ID, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems if the identifier may be used to access education records without use of one or more factors that authenticate the student's identity such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user;
3. A student ID or other unique personal identifier that is displayed on a student ID badge if the identifier can be used to gain access to educational records when used in conjunction with one or more factors that authenticate the student's identity, such as a PIN, password, or other factor known or possessed only by the student;
4. Personally identifiable data which references religion, race, color, social position, or nationality; or
5. Data collected from nonpublic school students, other than those who receive shared time educational services, unless written consent is given by the student's parent or guardian.

It is very important to be familiar with the policy and fully understand what can legally be released, prior to doing so. If you have any questions, please seek assistance from your building principal or supervisor, or the Human Resources department.

Link to Policy #515:

[https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/500/07.27.2023/515%20Protection%20and%20Privacy%20of%20Pupil%20Records%20\(4\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/500/07.27.2023/515%20Protection%20and%20Privacy%20of%20Pupil%20Records%20(4).pdf)

Student Disability Non-Discrimination – Policy #521

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973 (Section 504), need services, accommodations, or programs in order that such learners may receive a free appropriate public education.

Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are

not eligible for special education pursuant to the Individuals with Disabilities Education Act.

Persons who have questions, comments, or complaints should contact the District's ADA/504 Coordinator, Megan Miller, Director of Special Services by phone at (651) 480-7009 or via email at mmiller@isd200.org.

Link to Policy #521:

[https://cdns13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/500/02.23.2022/521%20Student%20Disability%20Nondiscrimination%20\(1\).pdf](https://cdns13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/500/02.23.2022/521%20Student%20Disability%20Nondiscrimination%20(1).pdf)

Sex Non-Discrimination, Title IX Policy, Notice and Grievance Procedures and Process – Policy #522

Hastings Public Schools does not discriminate on the basis of sex in the educational programs and activities it operates and is required by Title IX of the Education Amendments of 1972 and its implementing regulations not to discriminate in such a manner. The District's obligation not to discriminate in its education programs and activities extends to admission and employment. Inquiries regarding the application of Title IX and its implementing regulations may be referred to the District's Title IX Coordinator, the Assistant Secretary of the United States Department of Education, or both.

**The District's Title IX Coordinator is: Cathy Moen, Director of Human Resources
1000 West 11th Street, Hastings, MN 55033 – 651.480.7002 or at cmoen@isd200.org**

A copy of the District's Policy 522 ("Sex Nondiscrimination Policy, Title IX Grievance Procedure and Process) is attached in the Appendix, in its entirety, at the end of this employee handbook. It may also be accessed:

- Online by clicking the following link: [Policy #522 - Sex Non-Discrimination - Title IX](#)
- On the District's website:
<https://www.hastings.k12.mn.us/cms/one.aspx?portalId=92242&pageId=595959>
- By contacting the Title IX Coordinator

Internet Use Policy – Policy #524

The use of the school district system and access to use of the Internet is a privilege, not a right. As such, use shall be consistent with state and federal laws, school district policies, and the mission of the school district.

By authorizing use of the school district system, the school district does not relinquish control over materials on the system or contained in files on the system. Users should expect only limited privacy in the contents of personal files on the school district system.

School district employees should be aware that the school district retains the right at any time to investigate or review the contents of their files and email files. In addition, employees should be aware that data and other materials in files maintained on the school district system may be subject to review, disclosure or discovery under Minn. Stat. Ch. 13 (the Minnesota Government Data Practices Act).

An employee engaging in unacceptable uses of the Internet when off school district premises also may be in violation of this policy as well as other school district policies. If an employee inadvertently accesses unacceptable materials or an unacceptable Internet site, they must immediately disclose the inadvertent access to their supervisor and/or the building administrator.

Link to Policy #524: [https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/50/0/07.27.2023/524%20Internet%20Acceptable%20Use%20and%20Safety%20Policy%20\(5\).pdf](https://cdnsm5-ss13.sharpschool.com/UserFiles/Servers/Server_92158/File/School%20Board/Policies/50/0/07.27.2023/524%20Internet%20Acceptable%20Use%20and%20Safety%20Policy%20(5).pdf)

Workplace Expectations

Conduct

The School District recognizes each employee's right to individual respect and dignity, and is committed to establishing and maintaining a professional, respectful, productive working environment for all employees. As a result, employees are prohibited from engaging in behavior that substantially interferes with the work, including behavior that is disrespectful, obscene, inappropriate, offensive, or bullying.

The School District defines bullying as repeated conduct that is intimidating, threatening, abusive, or harmful, is objectively offensive, and is conducted by one or more persons against another or others at the place of work or during employment. Bullying may be intentional or unintentional. However, when an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when deciding upon discipline. As in sexual harassment, it is the effect of the behavior upon the individual(s) that is important.

The following types of behavior are considered examples of bullying and will not be tolerated:

- **Verbal bullying:** Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the target of jokes; abusive and offensive remarks.
- **Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault (physical attack), or threat of physical assault; damage to a person's work area or property.
- **Gesture bullying:** Non-verbal threatening gestures or looks that convey threatening messages.

- **Exclusion:** Socially or physically excluding or disregarding a person in work related activities.
- **Social Media/Cyberbullying:** Using technology or other electronic communication for the purpose of intimidating, threatening, abusing, or harming another in the workplace to the extent that it substantially and materially disrupts an employee's right to a professional and respectful working environment.

Any employee who feels they have been victimized by bullying must report the matter to their supervisor, or to the Human Resources department. In addition, employees who witness prohibited conduct, or possess reliable information that would lead a reasonable person to suspect that a staff member is a target of bullying, will report the prohibited conduct to the employee's supervisor or to the Human Resources department.

Dress

All staff are expected to dress in an appropriate manner, commensurate with the staff member's position. Attire should be neat and clean and should reflect the staff member's role in providing a high-quality education to the learners in the District. Attire or other articles that convey obscene messages or messages that are designed to, incite hostilities in other staff members, students or visitors are prohibited while the employee is at work.

Custodial and food service employees are provided with school district issued work shirts and, in some cases shoes, and required to wear such attire unless otherwise authorized,

Political Activities

Employees of Hastings Public Schools are public employees and as such, may have a stake in political decisions and events. Employees are encouraged to express their political views and participate in the political process as their own interests and values guide them. However, while on active duty time, employees must not engage in any political activity that could create the impression to the public that the School District, as a public body, endorses any particular candidate, party, or position, or encourages or discourages voting in a particular fashion.

Employees' Children at Work

It is the expectation that employees do not bring their children into the workplace. This practice has been established to avoid disruptions in job duties of the employee and co-workers, reduce liability, and help maintain the District's professional work environment.

Employees who experience a situation where they feel there is a need for their child to be present in the workplace must contact their supervisor prior to doing so.

Classroom Environment

The District strives to create a safe, inviting, and aesthetically pleasing building and classroom environments. Staff should limit the use large items such as couches, overstuffed chairs, and other fabric or upholstered furniture, and pillows in classrooms due to the increased fire hazard and potential for allergens and indoor air quality problems.

Employee Name and Address Changes

Please report all name, address, and phone number changes to the Human Resources Office and your building's administrative office as soon as possible. Contact information will not be distributed to persons outside of the District without the employees consent.

Storage of Personal Items on/in School District Property

School district lockers and storage areas, including locking desk drawers and/or locking cabinets, remain the property of the school district. The District reserves the right, at all times, to have authorized personnel conduct searches or inspections of employee lockers or storage areas. There is no general or specific expectation of privacy for items stored on/in school district property. If an employee uses a locker or other storage area at work, including a locking desk drawer or locking cabinet, the lock or key shall be provided by the district; no employee shall place a personal lock on the property of the district. Placing a personal lock on school district property may result in forcible removal of the lock by whatever means necessary.

Workplace Communication

Website

The School District website, <https://www.hastings.k12.mn.us/>, contains a wide variety of information about the School District, our programs, employment policies, telephone numbers, upcoming events, and community education. Employees should familiarize themselves with the School District website and refer to it in order to obtain necessary information.

Email

As an employee of the School District, you will have access to the School District email system. Email is our primary source of providing information to our employees. Employees should review their messages as frequently during the day as their schedule allows and reply in a timely manner. It's a good practice to use the "out of office" feature on the email system when you will be gone for an extended period of time. School District-assigned email accounts are the property of the School District and are intended to be used to conduct School District business.

Voicemail

Employees with voicemail should listen to their messages during the day as their schedule allows and return messages in a timely and responsive manner. It's a good practice to use the "extended absence" feature on the voicemail system when you will be gone for an extended period of time.

Long Distance Phone Calls

The District does not automatically provide long distance service to all employees. If you feel that you need to place a long distance work related phone calls, please contact the switchboard at: 651-480-7003 and they can connect you.

Mailboxes

An individual mailbox may be assigned to employees at their work site. Employees should check with their supervisor regarding expectations for checking their mailbox. Mailboxes assigned in the buildings are property of the School District and should be utilized for school district business.

Workplace Health, Safety & Security

Hastings Public Schools strives to achieve a work environment that is warm, friendly, and welcoming and, at the same time, one that is safe and secure for all who use our building.

Job Safety

The School District is committed to developing and maintaining safe working environments. Help prevent injuries by observing general safety rules, removing hazards in the workplace, and immediately reporting unsafe conditions to the appropriate person. It is very important for all employees to follow safety guidelines to avoid injuries on the job. The following is a list of safety protocols all employees are required to follow:

- Know the locations of exits, fire extinguishers, alarms, Automated External Defibrillators (AEDs), and first aid materials at the worksite.
- Seek information or training from the appropriate person when required to operate any equipment or handle any type of chemical.
- Abstain from attempting to lift or carry an object that is too heavy to handle. Seek help from another employee to minimize the potential for injury.
- Report any safety hazards, and any information received from others that could impact the health and safety of others, to a supervisor.
- Be aware of the surroundings and wear appropriate apparel for current weather conditions and work environment.
- Report to a supervisor any information received regarding an individual who may be considering harming himself/herself or others.

Annual Employee Safety Training – Safe Schools

The School District provides information and training to employees in a number of areas on an annual basis. These SafeSchool trainings, provided through VectorSolutions, are mandatory for all employees. To access the SafeSchools Training click on the “For Staff” tab at the top of the District webpage, and then click on “Training.” Once on the Training page, you will see a link for SafeSchools. To log in, you will be required to enter your SafeSchools User ID which will be provided to you by your supervisor.

Building Access/Visitor Screening

Designated entrances at each site will be the only point(s) to enter and exit the building during normal operations. All school buildings shall remain locked during normal school hours. Anyone not employed by the District shall be required to check-in at the building main office or welcome desk where individuals will be screened via the district’s visitor screening system and issued a visitor pass before access to the building will be allowed.

All other doors will only be used for emergency exits and are alarmed at all time.

Maintaining Secured Perimeters

Perimeter doors will be secured during school hours. Under no circumstance should an employee prop open an exterior door as doing so provides an opportunity for outsiders to access the building(s). If doors are propped open or opened by a key, alarms will be activated.

If a staff person hears a local audible door alarm, they are required to investigate and close the door.

- If the cause of the alarm is apparent and the staff member has investigated and determined there is no threat, no further action is needed.
- If the cause of the alarm is not apparent to the staff member investigating, then they are required to contact the office staff immediately for further investigation.

Each alarm event will also be sent via text message to the Lead Building Custodian on staff and an email will be generated alerting the main office support staff.

Threat Levels

The School District has established threat levels and terms that identify the response, when it is determined there are threats posing a risk for our School District. The Superintendent, Principals, Assistant Principals, or designees, along with law enforcement will monitor news sources and/or communications from trusted sources regarding when to implement an increased threat level and heightened security operations.

- 1. Threat Level - Normal:** Exists when there is no apparent risk to the safety of students or staff. The school district will adhere to our regular security procedures.

2. Threat Level – Soft Lock-Down: Represents an increased threat level, which makes it necessary to secure the building perimeter so individuals from the outside the building are unable to enter. In this threat level, students and staff would continue with their daily activities inside the building site uninterrupted unless the threat level is increased. Examples of such a situations could be but are not limited to:

- Neighborhood crime or situation not directed at the school site, but removing the possibility of an intruder entering the building to seek escape.
- Violent or suspicious activity outside the confines of our sites.
- Safety issues from a toxic substance or fumes outside the building;

3. Threat Level – ALICE Response: Represents an increased threat level warranted by, but not limited to, a violent intruder or suspicious activity inside the confines of our sites, which make it necessary to secure the perimeter, limit access in and out, and initiate an ALICE Response.

ALICE (Alert, Lockdown, Inform, Counter and Evacuate) Response is a proactive approach to responding to a violent intruder at our sites. This is a nationally approved program, which promotes both students and employees making active choices when presented with the threat from a violent intruder.

Security Badges

The District issues staff identification badges which also serve as building access cards, to all staff, and other authorized personnel. These badges are issued for the purpose of ensuring the safety of district employees, students and visitors and protecting district property and must be worn at all times when an employee is in a district building.

Access cards are the property of the school district and must be returned upon termination of employment. Obsolete or unneeded access cards should be returned to the Human Resources department.

If an individual loses an access card or it is stolen, the individual must immediately report this to the Maintenance Department at 651-480-7050 and also notify their immediate supervisor. There will be a \$5.00 fee assessed to individuals requesting a replacement card due to loss or theft. Faulty cards will be reissued at no cost to the employee.

Access cards are provided expressly for the purpose of conducting school district business. It is a violation of district policy for any individual to provide an access card issued by the district to someone other than the registered user. Any misconduct, misuse or behavior deemed to be inappropriate by the Administration while the cardholder is in the facility after normal school hours will result in termination of entry access card privileges, and possible disciplinary action.

Employees who observe an individual who is not wearing a district issued badge, or a visitor's badge, shall direct that person to the main office. If the person does not proceed to the main office, the staff member shall alert the main office immediately. If the person

presents an imminent threat, the staff member should take immediate action to implement the building's emergency procedure.

Video Surveillance

Independent School District #200 uses internal and external video surveillance for all district facilities.

Building Keys

Do not unlock exterior doors at any building site with a traditional door key. All district exterior entrances must be unlocked using a valid access card or by programming through the security system. Keys used in exterior doors will initiate a local alarm and will also send a text messages to building administrator.

District keys will be distributed on as needed basis. Your supervisor will determine if you require keys and will take necessary steps to get them for you. Keys are the property of the school district and must be returned when changing work locations or upon termination of employment.

Burglar Alarms

Each building site is equipped with a burglar alarm, which works independently from the building access security system. If staff members are accessing the building outside of regular business hours they must use the assigned door at their building site where the burglar alarm panel is located. They must follow the building sign-in and sign-out procedures for the building and make sure to disarm the building before entering and arm the building if they are the last employee to leave the building. Entering a building without disarming the building will alert law enforcement to the building. If you do not know the building protocols for entering after hours please contact your building principal or supervisor to avoid unnecessary calls to the police.

Compensation, Work Schedules and Leaves of Absence

Wage Theft Law

Minnesota Statutes (Minn. Stat. §§ 175,177,181,16C & 609) provide wage and hour protections for employees. Employees have a right to receive wages at the employee's rate(s) of pay or the rates required by law, whichever is greater, as well as the right to be paid at specific intervals on a regular payday. Each employee must receive written notice at the start of their employment conveying an accurate statement of pay, benefits, potential deductions and other important information.

Wage Disclosure Protection

Under the Minnesota Wage Disclosure Protection Law (Minn. Stat. §181.172), employees have the right to tell any person the amount of their own wages. The Minnesota Government Data Practices Act (Minn. Stat. §13.43), specifically lists an employee's actual gross salary and salary range as public personnel data, however, in accordance with Minn. Stat. §181.172, employers may not:

- Require nondisclosure by an employee of their wages as a condition of employment.
- Require an employee to sign a waiver or other document which purports to deny an employee the right to disclose the employee's wages.
- Take any adverse employment action against an employee for disclosing the employee's own wages or discussing another employee's wages which have been disclosed voluntarily.
- Retaliate against an employee for asserting rights or remedies under Minn. Stat. §181.172. subd. 3.

An employee's remedies under the Wage Disclosure Protection Law are to bring a civil action against the employer and/or file a complaint with the Minnesota Department of Labor and Industry.

Rates of pay are determined by employee agreements and/or collective bargaining agreements. For questions about pay rates, contact the Human Resources department. Employees are able to access payroll and personal information on the SmartER portal. Information shown in the portal includes, but is not limited to, paycheck history, year-to-date totals, and W-4 information.

Work Schedule

Your supervisor determines an employee's specific workdays and hours. Any time an employee is absent from work, they are required to submit a request for time off. Approval of such leave must be obtained prior to the absence, except when using sick leave for unplanned absence due to illness. All time off should be recorded in the appropriate leave system for your employee group. Links to both systems are available on the "For Staff" tab on the district website.

Hourly employees must obtain supervisor approval prior to working any hours beyond their regularly scheduled work day. If the additional time is approved by your supervisor, you must include a note on your timecard providing an explanation and that approval was obtained.

Payroll Dates

All employees are paid through electronic payroll deposit. Paychecks are deposited on the 5th and 20th of the month. If a scheduled payday lands on a Saturday, Sunday or a federal holiday, pay will be deposited on the business day prior to the holiday.

Certified staff will have the choice of receiving his/her annual compensation in 18 or 24 installments. Certified staff wishing to receive his/her annual compensation in 24 equal

installments must notify the District’s Business Office by no later than August 1, of each year.

Hourly Employees - Hours Worked Time Tracking

All hourly employees are required to check in and out of work each day, using the appropriate time tracking system, and verify their time worked at the end of each week.

To access the time tracking system, click on the “For Staff” tab on the District web page at <https://www.hastings.k12.mn.us/>. Once there, click on the link for TimeClock+ (Employee) or SMARTeR, depending on your employee group.

The following are key points related to entering your time worked:

- You are allowed to clock in up to five minutes prior to your scheduled work time.
- Being ready to begin work at your scheduled start time is a requirement of your position. If you clock in or out a time earlier or later than your scheduled start time, you will be required to enter a note explaining the reason.
- The system will round to the nearest quarter hour (seven minutes and less rounds back, eight minutes and more rounds forward).
- You may not, under any circumstances, punch in or out for another employee.
- At the end of each day, you should review and approve your hours for that day, making sure to enter a note if varying from your normal work schedule.
- If you need assistance with tracking your work hours, please contact your supervisor

Rest Breaks/Lunch Breaks

We have many employees who don’t work a standard eight hour day. Although there may be exceptions, the grid below provides general information about employee rest breaks and lunch breaks for the varying schedules.

Employees should work with their supervisor to determine their schedule and the best time for breaks to take place during their work day. An employee may not skip a paid work break to use it in lieu of an unpaid lunch. With supervisor approval, an employee may combine a break with their unpaid lunch break.

Below is a grid providing general information as to providing work and lunch breaks:

Paid Hours/ Hours Worked per Day	Paid Work Breaks	Unpaid Lunch Break	Hours Required in Building
Less than 4 hours	None	None	Duty Time
4 hours to less than 6 hours	One 15 minute Break	None	Duty Time

6 hours to less than 6.5 hours	One 15 minute Break	30 minute, duty free, unpaid lunch break required	Duty time plus 30 minutes for unpaid lunch.
6.5 hours or more per day	Two 15 minute breaks, One AM and One PM	30 minute, duty free, unpaid lunch break required	Duty time plus 30 minutes for unpaid lunch.

Please refer to your bargaining agreement for any applicable exceptions to the lunch/break guidelines.

Leaves/Time-Off – Hourly Employees

Any time an employee is absent from work, they are required to submit a request for time off. Leave can be requested in quarter hour increments. Approval of such leave must be obtained prior to the absence, except when using sick leave for unplanned absence due to illness. All time off should be recorded in the leave system appropriate for your employee group, i.e. TimeClock+ or SMARTeR. Links to the leave systems are available on the “For Staff” tab on the District website.

A list of the absence codes and the required notes for leave types is provided under the “Leaves – General” section of this handbook. Please note: An employee’s eligibility for leave types is dependent on the employee group they are a part of.

IMPORTANT NOTE: Paraprofessionals are required to enter their time in TimeClock+ AND the Frontline Absence Management System, in order to secure substitute coverage for their absence. A link to Frontline is available on the “For Staff” tab on the district website.

Leaves/Time-Off – Teachers and Salaried Employees

Teachers must enter their absence into the Frontline Absence Management System (formally Aesop) anytime they will be absent from work. This system tracks available leave and is used to secure substitute coverage for their absence. Staff should enter their absence(s) into the system, using the correct absence code, as early as possible to increase the likelihood of obtaining a substitute. If a substitute teacher is required, the amount of leave requested by the teacher must be equal to the amount of time a sub will be paid. (For example, if a teacher is out three hours, a half day sub is required, thus the teacher is required to request a half day of leave.)

Approval of leave must be obtained prior to the absence, except when using sick leave for unplanned absence due to illness. For absences other than unplanned sick leave, employees must include a note for the administrator as to the reason for the request for absence.

A link to Frontline is available on the “For Staff” tab on the district website.

Employees should enter the required description in the notes to administrator field in Frontline Absence Management (formally Aesop).

A list of the absence codes and the required notes for leave types is provided under the “Leaves – General” section of this handbook. Please note: Employees eligibility for leave types is dependent on the employee group they are a part of.

Emergency Closing

Please check the District website for reporting requirements in the event that an e-learning day is called, or school is closed by the Superintendent, due to weather conditions or other emergency. Please check with your supervisor if you have any questions.

E-Learning Days

Please refer to the District’s website or your employee bargaining agreement for information regarding e-learning days.

Complaints – Students, Employees, Parents and Other Persons

The Hastings School District takes seriously all concerns or complaints by students, employees, parents or other persons. While written reports are encouraged, a complaint may be made verbally. A person may file a complaint at any level of the school district; i.e., principal, superintendent or school board. However, persons are encouraged to file a complaint at the building level when appropriate. It is best to discuss concerns or complaints with the person most familiar with the incident and, if the concern or complaints is not satisfactorily addressed, to the principal or supervisor, superintendent and school board.

Federal law requires that school districts designate specific individuals and procedures for disability discrimination, sex discrimination, equal education and employment opportunity, homeless and harassment.

The ISD #200 Human Rights Officer (HRO), the Title IX Coordinator and the Section 504 Coordinator are responsible for addressing and attempting to stop violations of human rights, discrimination based on sex and discrimination based on disability within the school district.

The following people have been designated to handle inquiries regarding the non-discrimination policies:

Human Rights Officer
Cathy Moen

Title IX Coordinator
Cathy Moen

Director of Human Resources
Office Phone: 651.480.7002
cmoen@isd200.org

Director of Human Resources
Office Phone: 651.480.7002
cmoen@isd200.org

Section 504 Coordinator
Megan Miller
Office Phone: 651.480.7009
mmiller@hastings.k12.mn.us

APPENDIX

District Policy #522 and Associated Procedures



Hastings Public School District
ISD #200

522 SEX NONDISCRIMINATION POLICY, TITLE IX GRIEVANCE PROCEDURE AND PROCESS

I. GENERAL STATEMENT OF POLICY

- A. The school district prohibits discrimination on the basis of sex in all forms, including sexual harassment.
- B. The school district does not discriminate on the basis of sex 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 programs or activities extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment

II. SEX DISCRIMINATION COMPLAINTS NOT INVOLVING SEXUAL HARASSMENT

Complaints of sex discrimination that do not constitute sexual harassment, as defined below, or retaliation from making a complaint of sexual harassment, should be reported to the building principal or building supervisor. The building principal or supervisor is then responsible for notifying the school district's Title IX Coordinator of the complaint. If a complaint involves the building principal or supervisor, it should be reported directly to the Title IX Coordinator. The Title IX Coordinator will ensure an investigation is completed in accordance with the requirements of applicable school district policies. The district's Title IX Coordinator is the Director of Human Resources. The Title IX Coordinator's contact information is:

Cathy Moen
Director of Human Resources
Hastings Public Schools
1000 West 11th Street
Hastings, MN 55033
(651) 480-7002
cmoen@isd200.org

III. GENERAL POLICY PROHIBITING SEXUAL HARASSMENT

- A. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual 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.
- B. This policy applies to sexual harassment that occurs within the school district's education programs and activities. This policy does not apply to sexual harassment that occurs 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
- C. Any student, parent, or guardian 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 identified in Section II above.
- D. Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.
- E. The effective date of this policy is August 14, 2020, and it applies to alleged violations of this policy occurring on or after August 14, 2020.

IV. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

- E. “Education program or activity” means locations, events, or circumstances over which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs, and includes school district education programs or activities that occur on or off of school district property.
- F. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
 - 1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
 - 2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
 - 3. A parent or guardian of a child younger than 18 years old may file a formal complaint on behalf of their child.
- G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. “Relevant questions” and “relevant evidence” are questions, documents, statements, physical items, or information that are related to the allegations raised in a formal complaint and have any tendency to make the allegations more or less likely to be true. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions or evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible for sexual harassment. Remedies may include the same individualized services that constitute supportive measures, but need not be

non-punitive or non-disciplinary, nor must they avoid burdening the respondent.

- J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
 - 1. Quid pro quo harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
 - 2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
 - 3. Any instance of sexual assault (as defined in the Clery Act, 20 U.S.C. §1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. §12291).
- L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minn. Stat. § 121A.41, as amended, mutual restrictions on contact between the parties, changes in work or school locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.
- M. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:
 - 1. “Title IX Coordinator” means an employee of the school district that is designated and authorized to coordinate the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also

responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.

2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Title IX Coordinator, Decision-maker, or the Appellate Decision-maker in that formal complaint. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker in that formal complaint. The Decision-maker may be an administrator, supervisor, or other individual qualified to determine and impose appropriate remedies if a determination of responsibility is made.
4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker for a formal complaint cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker in that formal complaint. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.
5. “Informal resolution facilitator” means a person who facilitates the informal resolution process if desired by the parties. The Informal resolution facilitator may be the Title IX Coordinator, but may not be the Investigator, Decision-maker or Appellate Decision-maker in the formal complaint proposed for informal resolution.
6. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and Informal resolution facilitator.

V. REPORTING PROHIBITED CONDUCT

- 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 should report the alleged acts as soon as possible to the Title IX Coordinator.
- 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. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the school district may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

VI. RETALIATION PROHIBITED

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation to the Title IX Coordinator in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

VII. DISSEMINATION OF POLICY

- A. This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
 - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
 - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
 - 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
 - 4. Notice of the school district's grievance procedures and grievance process referenced in 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.

VIII. RECORDKEEPING

- A. 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. In each instance, the school district must document:
- B. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
- C. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
- D. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record must be maintained for a period of seven years.
- E. The documentation of certain bases or measures does not limit the school district in the future from providing additional explanations or detailing additional measures taken.
- F. The school district must also maintain for a period of seven calendar years records of:
 - 1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the school district's education program or activity;
 - 2. Any appeal and the result therefrom;
 - 3. Any informal resolution and the result therefrom; and
 - 4. All materials used to train Title IX Personnel.

IX. APPLICATION OF LAWS OTHER THAN TITLE IX

- A. If a formal complaint is dismissed because the allegations, if true, would not constitute sexual harassment as described above or if a Decision-maker or Appellate decision-maker makes a determination that a respondent is not responsible for sexual harassment under these procedures, the Title IX Coordinator will consider whether the alleged conduct may constitute a violation of one or both of the alternative definitions below. If an investigation has already been conducted, the Title IX Coordinator may review the investigation to determine whether prohibited sexual harassment

has occurred. If the Title IX Coordinator concludes that it has, the Title IX Coordinator shall report those findings to the Decision-maker and the Decision-maker shall impose or recommend remedies. If no investigation has taken place, the complaint shall be investigated consistent with Policy 103.

B. Alternative Definitions of Sexual Harassment

1. Minnesota Human Rights Act (Applicable to Employees and Students) “Sexual harassment” includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
 - (a) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
 - (b) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or
 - (c) that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment or education, or creating an intimidating, hostile, or offensive employment, or educational environment.
2. Title VII (Applicable to Employees) “Sexual harassment” mean unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,
 - (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

X. GRIEVANCE PROCEDURE AND PROCESS

The grievance procedure and process adopted by the school district shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by the school district.

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 of 1972)
29 C.F.R. Part 1604 (Implementing Regulations of Title VII)
34 C.F.R. Part 106 (Implementing Regulations of Title IX)
20 U.S.C § 1400, et seq. (Individuals with Disabilities Education Improvement Act of 2004)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101, et seq. (Americans with Disabilities Act of 1990, as amended)
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”))

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)

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Title IX Grievance Procedure and Process
Addendum to Policy 522

I. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS

A. Equitable Treatment

1. The school district will 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, other than supportive measures, until the school district has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant when a determination of responsibility for sexual harassment has been made against a respondent.

B. Objective and Unbiased Evaluation of Complaints

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
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

To the extent permitted by governing law and regulations, the school district will not release private educational or personnel data about complainants, respondents, witnesses, allegations of sexual harassment, investigations, decisions, dismissals, and/or findings of responsibility. However, the school district's obligations under the implementing regulations for Title IX may require disclosure of certain private educational or personnel data to other parties and/or witnesses.

E. Right to an Advisor

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 during any phase of the grievance process. An advisor to a complainant or respondent may prepare written submissions on behalf of the party.

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, expected participants, and purpose of the meeting or interview, and will be provided so as 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.

J. Timelines

1. Any informal resolution process must be completed within 30 calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five calendar days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within 30 calendar days of the day the appeal was received by the school district.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the school district.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors, witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

K. Potential Remedies and Disciplinary Sanctions

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in transportation, changes in work locations, leaves of absence, monitoring of certain areas of school district buildings or property,

warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will impose or recommend appropriate remedies, including disciplinary sanctions/consequences. The discipline of a student-respondent must comply with the applicable provisions of Policy 506 – Student Discipline, the Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

II. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation against the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
 1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting false information; and a copy of Policy 522 and this Grievance Procedures document.

III. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT

A. Emergency Removal of a Student

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
 - (a) The school district undertakes an individualized safety and risk analysis;
 - (b) The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
 - (c) If the school district determines the student-respondent poses such a threat, it will notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

B. Employee Administrative Leave

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint.

Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration requirements of any applicable collective bargaining agreement or individual contract, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

IV. INFORMAL RESOLUTION OF A FORMAL COMPLAINT

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the school district.
- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent to participate in the informal resolution process. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

V. DISMISSAL OF A FORMAL COMPLAINT

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
 - 1. Would not meet the definition of sexual harassment, even if proven;
 - 2. Did not occur in the school district's education program or activity; or

3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
 2. The respondent is no longer enrolled or employed by the school district; or
 3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal and grounds upon which an appeal may be made.
- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate, including an investigation pursuant to other school district policies.

VI. INVESTIGATION OF A FORMAL COMPLAINT

- A. If a formal complaint is received by the school district, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.

- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The investigative report may include recommended findings of fact and conclusions. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten days prior to a determination of responsibility.

VII. DETERMINATION REGARDING RESPONSIBILITY

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness. The time allowed for submitting questions and answers is at the discretion of the Decision-maker.
- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, and the parties have been provided at least ten days to review and submit a written response to the investigative report, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
 - 1. Identification of the allegations potentially constituting sexual harassment;

2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
 3. Findings of fact supporting the determination;
 4. Conclusions regarding the application of the school district's code of conduct to the facts;
 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the school district's education program or activity will be provided by the school district to the complainant; and
 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker 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 incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.
- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

VIII. APPEALS

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
 2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
 3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

Policy Reviewed: 08.25.2021