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TITLE IX – REQUIRED EMPLOYEE TRAINING

I. OVERVIEW

Title IX is one of many federal laws that prohibit discrimination in schools, and it prohibits discrimination based on sex against students and employees. The school district must train all employees on their obligations under Title IX.

The person responsible for the district's compliance with Title IX is the Title IX Coordinator. Our Title IX Coordinator is Elizabeth Windingstad, Director of Human Resources. Her office is located in the District Office in the Willmar Education and Arts Center (WEAC) at 611 5th St SW, Willmar, MN 56201. She may be reached at 320-231-8520 or windingstade@willmar.k12.mn.us.

Employees have two key responsibilities with respect to Title IX:

1. Employees must not discriminate against students or other employees based on sex.

2. If an employee knows about conduct that may be considered sex discrimination, they must contact the Title IX Coordinator immediately.

II. WHAT IS SEX DISCRIMINATION?

NOTE: These materials and the corresponding presentation are meant to inform you of interesting and important legal developments. While current as of the date of presentation, the information that is provided may be superseded by court decisions, legislative amendments, rule changes, and opinions issued by bodies interpreting the area of law. We cannot render legal advice without an awareness and analysis of the facts of a particular situation. If you have questions about the application of concepts addressed in this outline or discussed in the presentation, you should consult with your legal counsel.

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A. **Sex discrimination** involves treating a person or group of people differently based on whether they are male or female, or if they do not identify as either male or female. It also includes treating someone differently because:

- They do not comply with stereotypes of how someone expects a male or female to dress, look, or act (*Sex Stereotypes)*;
- They do not have physical traits that someone would expect a male or female to have *(Sex Characteristics)*;
- They are pregnant or experiencing a condition related to pregnancy, such as childbirth, termination of pregnancy, or lactation, or have a medical condition or are recovering from one of these conditions *(Pregnancy or related conditions)*;
- Of who they are or are not romantically or sexually attracted to *(sexual orientation)*; or
- They identify as a gender that is different from the sex they were assigned at birth or do not identify as either male or female *(gender identity)*.

B. **Sex-based harassment** is one type of sex discrimination. It includes harmful conduct based on a person's sex, including the following:

- An employee requesting or requiring someone to engage in unwelcome sexual conduct in exchange for something offered by the school district. *For example, an employee that tells a coworker they cannot access certain supplies unless the coworker agrees to a sexual act.*
- Conduct that creates a hostile environment because the conduct is unwelcome and so severe, pervasive, and objectively offensive that it effectively denies a person access to the school district's education program or activity. *For example, a student who consistently makes sexually charged comments to and stares at a peer may create a hostile environment.*
- Conduct that is classified as sexual assault, dating violence, domestic violence, or stalking under criminal law.

C. **Sex Separation.** Sometimes, the school district needs to separate students based on sex. For example, most restrooms and locker rooms are divided based on sex. The district may also separate students for participation in athletic activities. However, the school district cannot separate students based on sex if doing so will cause more than a trivial amount of harm.

D. **Transgender and Nonbinary Students and Staff.** The Title IX regulations and Minnesota law specifically prohibit discrimination against transgender and nonbinary students and staff. The following are examples of conduct toward transgender and nonbinary individuals that may constitute discrimination:

- Requiring an individual to use restroom or locker room facilities that are inconsistent with the individual's gender identity;

- Requiring an individual to use a single-occupant restroom or locker room because their gender identity does not align with their sex assigned at birth (although such individuals may voluntarily elect to use a single-occupant facility);

- Repeatedly and intentionally using the wrong name or pronouns to refer to an individual who has requested to be referred to using a different name or pronouns; or

- Excluding someone from a school district program or activity based on sex stereotypes, sex characteristics, sexual orientation, or gender identity.

If an employee objects to the obligation not to discriminate based on sex as identified in these materials, the employee must immediately notify their supervisor to discuss the employee's objection. The supervisor and employee will discuss whether the employee's objection must be accommodated and, if so, how the employee can comply with the district's nondiscrimination obligations.

III. EMPLOYEE OBLIGATION TO ADDRESS SEX DISCRIMINATION

A. The school district must respond "promptly and effectively" whenever an employee knows of conduct that may reasonably constitute sex discrimination. **Such a response can only happen when employees promptly report conduct.**

B. Any employee with knowledge of conduct that might be sex discrimination in any district program or activity must notify the Title IX Coordinator. The employee must not conduct any investigation prior to reporting the conduct to the Title IX Coordinator. If an employee is unsure whether conduct may constitute sex discrimination, the employee must report the conduct to the Title IX Coordinator who will determine whether the conduct reasonably may constitute sex discrimination.

C. If the employee is required to report the same conduct as potential Maltreatment of a Minor or Vulnerable Adult, the employee must also comply with that separate obligation by making a report to the Minnesota Department of Education or County Social Services, as appropriate.

D. If a student or student's parent/guardian informs an employee that the student is pregnant or experiencing a pregnancy-related condition, the employee must promptly provide the student with the Title IX Coordinator's contact information and inform them that the Title IX Coordinator can coordinate actions to prevent sex discrimination and ensure equal access to the school district's education program.