POLICY MANAGEMENT
Adopted: 2016
Reviewed/ Revised: 05/20/2021*, 11/16/2023, 10/13/2026**
Mandatory: Yes
Frequency: Y
Annual Distribution: Website

Policy 522-Title IX Nondiscrimination

Purpose

This policy governs Art and Science Academy's Title IX nondiscrimination response and the formal sexual-harassment grievance process required by 34 C.F.R. Part 106. The applicable framework was recodified effective September 29, 2026, after nationwide vacatur of the 2024 rule. The original 2020 rule took effect August 14, 2020; the school's earlier May 20, 2021 adoption date was not the federal effective date. [1]

General Statement of Policy

The school 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 program or activity extends to admission and employment. The school is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The school prohibits sexual harassment that occurs within its education programs and activities. When the school 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.

The formal sexual-harassment process below applies when the conduct meets the Title IX definition and occurred against a person in the United States in an Academy education program or activity. A location off school grounds does not itself remove jurisdiction; substantial control over the respondent and context governs. Title IX also prohibits other sex discrimination in the Academy's programs, including employment, and those complaints receive the prompt and

equitable response described below. Conduct outside formal Title IX jurisdiction remains subject to applicable Minnesota law and Policy 413. [2]

Policy 522 is the sole source for Title IX response, formal complaint procedures, party rights, deadlines, appeals, training, and recordkeeping. Policy 413 is the source for the general harassment and violence process and independent Minnesota protections. Policy 414 is the source for external maltreatment reporting, statutory school-facility parent notice, agency interviews, and maltreatment records. A report may activate more than one policy; it is not necessary for the reporter to select the correct policy. [3]

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.

The school's Title IX Coordinator(s) is/are:

The Academy shall designate at least one employee as Title IX Coordinator and confirm and publish the fields below before adoption. An outside investigator or decision-maker does not replace the designated employee Coordinator. [4]

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If the report concerns the Coordinator, the Executive Director, or a conflict of interest, use [alternate reporting contact, address, telephone, and email]. The board shall arrange an impartial response when an administrator is implicated. Any employee receiving notice shall route it promptly without delaying required supportive measures or external reporting. [9]

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.

Adopted or revised: [Board adoption date]. Apply the governing law to each matter; ASA shall not use an earlier local adoption date to bar a report or a current duty. Prior incidents and pending matters shall be reviewed for the rules and procedures legally applicable to them. [10]

For sex-discrimination complaints that do not fall within the formal sexual-harassment process, the Coordinator shall ensure a prompt, equitable response using Policy 413's general investigation and administrative-review procedure, incorporated here by reference. The formal-complaint requirements below do not bar those complaints. Title IX retaliation complaints use that general procedure unless they independently allege covered sexual harassment. [11]

Policy Specifics

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school's Title IX Coordinator or to any employee of the school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school with actual knowledge is the respondent. [12]

"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.

"Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school office is open for normal operating hours, Monday-Friday, excluding State-recognized holidays).

"Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

"Education program or activity" means locations, events, or circumstances for which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school education programs or activities that occur on or off of school property.

"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.

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.

A formal complaint 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. [13]

"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.

"Relevant questions" and "relevant evidence" are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. 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 and 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 and evidence concern specific incidents of

the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

"Remedies" means actions designed to restore or preserve the complainant's equal access to education after a respondent is found responsible. 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.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

"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:

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);

Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

Any instance of sexual assault (as defined in the CleryAct, 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).

"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 locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.

"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:

"Title IX Coordinator" means an employee of the school district that coordinates 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 administrating the grievance process.

"Investigator" means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.

"Decision-maker" means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.

"Appellate Decision-maker" means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

The executive director 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 facilitator of informal resolution processes, to a suitably qualified individual, subject to the required employee Coordinator designation and separation of adjudicative roles and such delegation may be rescinded by the Executive Director 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 facilitator of informal resolution processes. [14]

Basic Requirements for Grievance Process

Equitable Treatment

The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.

The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.

This restriction does not bar a lawful emergency removal or non-student employee administrative leave under the section below. Other misconduct may be addressed under the applicable policy without using that process to bypass Title IX safeguards. [15]

The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

Objective and Unbiased Evaluation of Complaints

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.

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.

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.

Confidentiality

ASA shall protect the identities of reporters, complainants, respondents, and witnesses except for disclosures permitted by FERPA, required by law, or necessary to carry out Title IX, including required party evidence access and written outcomes. Data must be classified by record type under Minnesota Statutes §§ 13.32 and 13.43; the Academy cannot promise absolute confidentiality. Required maltreatment reporting and agency disclosures follow Policy 414. [16]

Right to an Advisor; Right to a Support Person

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 in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person 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 in any other manner during any phase of the grievance process.

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, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

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.

Evidence

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.

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.

When a party is not an eligible student under FERPA, obtain the parent's voluntary written consent for treatment-record use as required by § 106.45(b)(5)(i). Parent or guardian rights on behalf of a child remain protected under § 106.6(g). [17]

Burden of Proof

The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.

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.

Timelines

Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.

An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.

Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.

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.

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.

A temporary delay or limited extension for good cause requires written notice to both parties stating the reason and revised timeline. Supportive measures continue during the delay. The 120-calendar-day completion goal, five-business-day appeal deadline, 30-calendar-day appeal goal, and 30-calendar-day informal-resolution goal are Academy choices, not federal day counts. The two evidence/report review periods below are at least ten calendar days each. [18]

Potential Remedies and Disciplinary Sanctions.

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 work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.

If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the executive director of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with the district's Student Discipline policy. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

Discipline and emergency removal must comply with §§ 121A.41–121A.56, including § 121A.425 restrictions for preschool through grade 3, and IDEA, Section 504, and ADA safeguards. The Coordinator shall assess educational effects of harassment on students with disabilities and involve the IEP or Section 504 team when necessary to restore a free appropriate public education. [19]

Reporting Prohibited Conduct

Any person, including a student, employee, applicant, parent, or guardian, 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 toward a student should report the alleged acts as soon as possible to the Title IX Coordinator. [20]

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.

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.

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.

If the facts create a maltreatment reporting duty, personnel shall immediately follow Policy 414; criminal or agency reporting is not discretionary in that circumstance. Internal Title IX notice and external reporting are separate. A criminal or maltreatment investigation does not replace the school's Title IX response. [21]

Initial Response and Assessment by the Title IX Coordinator

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 filling a formal complaint.

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.

If the complainant does not file a formal complaint, the Coordinator shall consider whether signing one is necessary to avoid a deliberately indifferent response. Supportive measures and required safety actions do not depend on a formal complaint. The absence of a formal complaint does not bar the general sex-discrimination or Minnesota-law response under Policy 413, or external reporting under Policy 414. [22]

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:

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;

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;

A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;

A statement that the parties may inspect and review evidence gathered pursuant to this policy;

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 this policy.

Status of Respondent During Pendency of Formal Complaint

Emergency Removal of a Student

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:

The school district undertakes an individualized safety and risk analysis;

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

The school district determines the student-respondent poses such a threat, it will so 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 the ASA's adopted Student Discipline policy. 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, the ADA, and Minnesota dismissal law, prior to removing a special education student or Section 504 student on an emergency basis. [23]

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 applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

Informal Resolution of a Formal Complaint

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.

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.

The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.

The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. 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.

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.

Dismissal of a Formal Complaint

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:

Would not meet the definition of sexual harassment, even if proven;

Did not occur in the school district's education program or activity; or

Did not occur against a person in the United States.

The school district may, in its discretion, dismiss a formal complaint or allegations therein if:

The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;

The respondent is no longer enrolled or employed by the school district; or

Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.

The school district shall provide written notice to both parties of a dismissal. The notice must include the reasons for the dismissal.

Dismissal from the formal Title IX sexual-harassment process does not end the Academy's review under Policy 413 and applicable Minnesota law. The dismissal notice shall identify any referral or continued response under another policy and the appeal right under this policy. An agency's maltreatment determination likewise does not substitute for the school's determination. [24]

Investigation of a Formal Complaint

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.

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.

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.

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.

The Academy shall not restrict either party's ability to discuss the allegations or gather and present relevant evidence. Advisor participation restrictions shall apply equally to both parties, and required disability and language assistance shall be provided. [25]

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 at least ten (10) calendar days to submit a written response, which the Investigator will consider prior to completion of the investigative report. [26]

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 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 (10) calendar days prior to a determination of responsibility. [27]

Determination Regarding Responsibility

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 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.

The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.

When the exchange of questions and answers has concluded, 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:

Identification of the allegations potentially constituting sexual harassment;

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;

Findings of fact supporting the determination;

Conclusions regarding the application of the school district's code of conduct to the facts;

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 recipient's education program or activity will be provided by the school district to the complainant; and

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.

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.

The written determination of responsibility must be provided to the parties simultaneously.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

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.

Appeals

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:

A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);

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

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.

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.

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.

The written decision describing the result of the appeal must be provided simultaneously to the parties.

The decision of the Appellate Decision-maker is final. No further internal Title IX appeal is provided under this policy. Statutory student or employee review rights, agency complaints, and judicial remedies remain available. [28]

Retaliation Prohibited

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.

Any person may report Title IX retaliation to the Coordinator or alternate contact. The prompt and equitable general procedure incorporated from Policy 413 governs the retaliation complaint; use the formal sexual-harassment process only if the allegations independently satisfy its definition and jurisdiction. [29]

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.

Exercise of First Amendment rights does not itself constitute retaliation. A person's refusal to participate in a Title IX process does not excuse a separate mandatory maltreatment-reporting duty under Policy 414. [30]

Training

The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:

The Title IX definition of sexual harassment;

The scope of the school district's education program or activity;

How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;

How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;

For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and

For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.

The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

Dissemination of Policy

This policy shall be made available to all students, parents/guardians of students, school district employees, and employee unions.

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.

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 or professional organizations holding collective bargaining or professional agreements with the school district, with the following: [31]

The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;

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;

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

Notice of the school district's grievance procedures and grievance process contained 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.

Recordkeeping

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:

The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;

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

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.

The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

The school district must also maintain for a period of seven calendar years records of:

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 recipient's education program or activity;

Any appeal and the result therefrom;

Any informal resolution and the result therefrom; and

All materials used to train Title IX Personnel.

Recordkeeping under this policy is separate from maltreatment-report records under Policy 414. Maintain separately required Title IX records for at least seven years and apply longer applicable retention or legal holds. Obtain legal direction if an agency destruction order affects records required under more than one law. [32]

Legal References:

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

Minn. Stat. §§ 121A.41–121A.56, including § 121A.425 (Minnesota Pupil Fair Dismissal Act) [33]

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)

34 C.F.R. Part 106 (Title IX regulations, as recodified September 29, 2026; 91 Fed. Reg. 61308) [34]

20U.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")

Minn. Stat. §§ 13.32 and 13.43; Chapter 260E; 34 C.F.R. Parts 99, 104, and 300; 28 C.F.R. Part 35. Cross references: Policy 413 Harassment and Violence and Policy 414 Mandated Reporting of Child Maltreatment. [35]

Review notes and sources

Policies 413, 414, and 522 should be adopted and implemented together. Policy 413 governs general harassment and violence; Policy 414 governs external maltreatment reporting and agency cooperation; Policy 522 governs Title IX. A single incident may trigger multiple duties, but each procedure is stated in its governing policy.

1. Corrects historical federal effective date and identifies current law.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

2. Distinguishes formal-harassment jurisdiction from the broader nondiscrimination obligation.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

3. Eliminates competing procedures through explicit cross-references.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

https://www.revisor.mn.gov/statutes/cite/260E.06

4. Contact designation is required and must be current.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

5. The supplied name may be outdated. Confirm the authorized Coordinator rather than assuming the Executive Director holds the role.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

6. Confirm current contact information before adoption.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

7. Confirm current contact information before adoption.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

8. Adds missing work email and flags phone verification.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

9. Adds a local alternative route and required impartiality safeguards.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

10. Removes arbitrary local cutoff and flags adoption date.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

11. Implements § 106.8(c) and § 106.71 without duplicating the general procedure.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

12. Corrects definition punctuation.

13. The participation condition is a legal eligibility rule, not a required magic-word statement in the complaint.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

14. Preserves mandatory role requirements when delegating.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

15. Clarifies regulatory exceptions and prevents procedural evasion.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

16. Corrects malformed privacy citation and coordinates legal disclosures.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

https://www.revisor.mn.gov/statutes/cite/13.32

https://www.revisor.mn.gov/statutes/cite/13.43

17. Adds the omitted parent-consent rule.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

18. Makes extensions compliant and identifies one governing set of local timelines.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

19. Adds current state dismissal limits and federal disability protections.

https://www.revisor.mn.gov/statutes/cite/121A.425

https://www.ed.gov/about/offices/list/ocr/docs/disabharassltr.html

20. Reporting is open to all persons; broader nondiscrimination coverage is retained.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

21. Reconciles discretionary crime-reporting language with mandatory reporting.

https://www.revisor.mn.gov/statutes/cite/260E.06

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

22. Limits the no-investigation statement to the formal Title IX process.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

23. Completes emergency-removal safeguards.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

https://www.revisor.mn.gov/statutes/cite/121A.425

24. Routes dismissed cases without creating a gap.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

https://www.revisor.mn.gov/statutes/cite/363A.13

25. Adds a missing § 106.45(b)(5)(iii) protection.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

26. Avoids ambiguity from the policy's default business-day definition.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

27. Clarifies the separate report-review period.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

28. Preserves external and statutory rights.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

29. Retaliation is not automatically a formal sexual-harassment complaint.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

30. Preserves both federal retaliation protection and independent Minnesota reporting.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

https://www.revisor.mn.gov/statutes/cite/260E.06

31. Completes required notice recipients.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

32. Prevents conflicting retention instructions across the policies.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

https://www.revisor.mn.gov/statutes/cite/260E.35

33. Corrects Pupil Fair Dismissal Act reference and adds early-grade limits.

https://www.revisor.mn.gov/statutes/cite/121A.425

34. Uses current governing rule.

https://www.govinfo.gov/content/pkg/FR-2026-09-29/html/2026-19929.htm

35. Adds privacy, disability, and policy-coordination references.