

## **Comprehensive Nondiscrimination Policy**

**ADOPTED BY BOARD RESOLUTION: 11/17/11**

### **I. General Rules**

The general rules apply to the entire Comprehensive Nondiscrimination Policy.

A. These policies are in addition to other nondiscrimination policies found in the Policy Handbook.

B. Every employee and volunteer has the duty to comply with these policies.

C. The executive director is hereby designated as the Human Rights Officer. The Human Rights Officer is responsible for PCCS's efforts to comply with and carry out its responsibilities under the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Title IX of the Education Amendments of 1972 ("Title IX"), and the Minnesota Human Rights Act ("MHRA").

1. The executive director may appoint a qualified employee or volunteer to assume the role of Human Rights Officer with BOD approval.

2. If the Human Rights Officer is the subject of a complaint under this policy, the chair of the BOD shall act as the Human Rights Officer only regarding that complaint.

D. PCCS shall conspicuously post the name of the Human Rights Officer, including their office mailing address and telephone number.

E. Persons who have questions, comments, or complaints relating to these policies should contact the Human Rights Officer.

F. The use of formal reporting forms is not mandatory.

G. Submission of a good faith complaint, grievance or report of a policy violation will not affect the complainant or reporter's future employment, grades or work assignments.

H. PCCS will respect the privacy of the complainant, the individuals against whom the complaint is filed, and any witnesses as much as possible, consistent with the legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

I. PCCS will discipline or take appropriate action against any student, employee, volunteer or other personnel who retaliates against any person who (1) alleges a violation of these policies; (2) any person who testifies, assists or participates in an investigation; or (3) testifies, assists or participates in a proceeding or hearing relating to such allegation. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

J. These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or Federal law, or contacting the Office of Civil Rights for the U.S. Department of

Education. No policy shall prevent any person from reporting a violation of these policies directly to a school official.

L. These policies shall be made available to all students, parents of students, employees, employee unions, volunteers, and organizations.

M. PCCS shall review these policies and the PCCS's operation for compliance with state and federal laws prohibiting discrimination on a continual basis.

## II. Reporting Grievance Procedures

A. Any person who believes they have been the victim of unlawful discrimination, as defined below or elsewhere in this Policy Handbook, by an employee, volunteer, or other personnel, or any person with knowledge or belief of conduct which may constitute unlawful discrimination, should (1) report the alleged acts immediately to the Human Rights Officer or an appropriate school district official, or (2) may file a grievance. The school district encourages the reporting party or complainant to use the report form available from its administration, but oral reports shall be considered complaints as well.

B. Any school official who receives a report of unlawful discrimination shall inform the Human Rights Officer immediately without screening or investigating the report.

C. The school official may request, but may not insist upon a written complaint. If the report was given verbally, the school official shall personally reduce it to written form within 24 hours. The original or reduced written statement of the facts alleged will be forwarded as soon as practicable by the school official to the Human Rights Officer.

D. Failure by a school official to forward any report or complaint of unlawful discrimination as provided herein may result in disciplinary action against the school official.

### E. Investigation

1. The Human Rights Officer, upon receipt of a report, complaint or grievance alleging unlawful discrimination shall promptly undertake or authorize an investigation. The investigation may be conducted by PCCS officials or by a third party designated by the Human Rights Officer.

2. The investigation may consist of personal interviews with the complainant, the individuals against whom the complaint is filed, and others who may have knowledge of the alleged incidents or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

3. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents, past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

4. In addition, the school district may take immediate steps, at its sole discretion, to protect the complainant, students, employees, volunteers, or other personnel pending completion of an investigation of alleged unlawful discrimination.

5. The investigation will be completed as soon as practicable. The Human Rights Officer shall make a written report upon completion of the investigation and forward it to their supervisor: either the executive director or the chair of the BOD. (If the complaint involves the executive director, the report shall be forward directly to the chair of the BOD.) The report shall include a determination of whether the Comprehensive Nondiscrimination Policy School District allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### F. School Action

1. Upon conclusion of the investigation and receipt of a report, the executive director or BOD will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. PCCS action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and PCCS policies.

2. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by PCCS in accordance with state and federal law regarding data or records privacy.

### III. Employment Disability

#### A. Purpose

To provide a fair employment setting and to comply with state and federal laws.

#### B. General Statement of Policy

1. The school district shall not discriminate against individuals with disabilities, because of the disabilities in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment.

2. The school district shall not engage in contractual or other arrangements that have the effect of subjecting its applicants or employees to discrimination on the basis of disability. The school district shall not exclude or otherwise deny equal jobs or job benefits to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association.

3. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee. A reasonable accommodation is

something that would not impose an undue hardship on the operation of the business of the school district.

4. The school district requires all employees to have the capability and capacity to perform and exercise the essential function of their assigned job duties and responsibilities. The school district states and represents that it does not have, nor will it create, “light duty” positions or positions requiring less than full capacity in order to perform essential functions required of a position.

#### IV. Student Disability

##### A. Purpose

To protect students from discrimination on the basis of disability within the intent of Section 504.

##### B. General Statement of Policy

1. Students are protected from discrimination on the basis of a disability.
2. It is the responsibility of the school district to identify and evaluate students who, within the intent of Section 504, need special services, accommodations, or programs in order that such students may receive a free appropriate public education.
3. For this policy, a student who is protected under Section 504 is one who:
  - a. has a physical or mental impairment that substantially limits one or more major life activities, including learning, or
  - b. has a record of such impairment, or
  - c. is regarded as having such impairment.
4. Students 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.

##### Legal References

29 U.S.C. § 794 et. seq. (§ 504 of Rehabilitation Act of 1973)

34 C.F.R. Part 104 (Implementing Regulations)

##### Cross References

MSBA/MASA Model Policy 402 (Disability Nondiscrimination)

## V. Student Sex Nondiscrimination

### A. Purpose

To provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

### B. General Statement of Policy

1. Students are protected from discrimination on the basis of sex pursuant to Title IX and the MHRA.
2. The school district provides equal educational opportunity for all students. No student will be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any educational program or activity operated by the school district on the basis of sex.
3. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the U.S. Department of Education.

### Legal References

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

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

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

34 C.F.R. Part 106 (Implementing Regulations of Title IX)

### Cross References

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 413 (Harassment and Violence)

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

## VI. Student Parental, Family, and Marital Status

### A. Purpose

Students are protected from discrimination on the basis of sex and marital status pursuant to Title IX and the MHRA. This includes discrimination on the basis of pregnancy. The purpose of this school district policy is to provide equal educational opportunity for all students and to prohibit discrimination on the grounds of sex, parental, family, or marital status.

### B. General Statement of Policy

1. PCCS provides equal educational opportunity for all students, and will not apply any rule concerning a student's actual or potential parental, family, or marital status which treats students differently on the basis of sex.
2. PCCS will not discriminate against any student, or exclude any student from its education program or activity, including any class or extracurricular activity, on the basis of such students' pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom, unless the student requests voluntarily to participate in a separate portion of the program or activity of the recipient.
3. PCCS may require such a student to obtain the certification of a physician that the student is physically and emotionally able to continue participation in the normal education program or activity so long as such a certification is required of all students for other physical or emotional conditions requiring the attention of a physician.
4. PCCS will ensure that any separate and voluntary instructional program is comparable to that offered to non-pregnant students.
5. Questions relating solely to Title IX and its regulations may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education.
6. Any reports of unlawful discrimination under this policy will be handled, investigated and acted upon in the manner specified in section IV, above.

#### Legal References

Minn. Stat. § 363.01 et seq. (Minnesota Human Rights Act)

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

34 C.F.R. Part 106 (Implementing Regulations of Title IX)

#### Cross References

MSBA/MASA Model Policy 102 (Equal Educational Opportunity)

MSBA/MASA Model Policy 413 (Harassment and Violence)

MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)