

MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

Administrative Policy and Procedure Manual

511

EQUAL OPPORTUNITY EMPLOYMENT

Policy

The District is an equal opportunity employer. Personnel hiring and administration in the District shall be conducted so as not to discriminate against applicant or employee on the basis of age, race, religion, sex, sexual orientation, transgender status, gender expression, gender identity, gender nonconformity or change of sex, marital or parental status, national origin, disability or handicap, creed, color, political affiliation, pregnancy, citizenship, ancestry, arrest record, conviction record not substantially related to the nature of a person's job or activity in the school, membership in the national guard, state defense force or any other United States or Wisconsin reserve component of the military forces, use or nonuse of lawful products off school premises during non-working hours, or any other reason prohibited by state or federal law. The District shall carefully and systematically examine all of its employment policies and practices to be sure they do not either purposely or inadvertently operate to the detriment of any persons.

Reasonable accommodations shall be made for qualified individuals with a disability or handicap, unless such accommodations would impose an undue hardship to the District.

Discrimination complaints shall be processed in accordance with established procedure. Notice of this policy and complaint procedure will be published annually.

Procedure

Any complaint regarding the interpretation or application of the District's nondiscrimination policy shall be processed in accordance with the following procedures:

A. Informal Resolution

Any employee or applicant for employment who feels he/she has been a victim of discrimination shall report his/her concern to the building principal or designee. The principal or designee shall meet with the parties involved to discuss the concern and shall try to resolve the matter accordingly. The principal or designee may consult with appropriate District-level administrators regarding District nondiscrimination policies and the discrimination complaint process. If the concern is not resolved to the satisfaction of the complainant through this process, he/she may initiate a formal complaint in accordance with the procedures listed below.

B. Formal Procedures

1. The District's "Discrimination Complaint Form" shall be completed by the complainant and signed. Except as otherwise provided, this complaint form shall be submitted to the District Nondiscrimination Officer or designee. Upon receiving a written or verbal complaint, the District Nondiscrimination Officer or designee shall investigate the alleged discrimination and make a written decision regarding the case. Copies of the written decision shall be mailed or delivered to the complainant.
 - a. If the District Nondiscrimination Officer or designee determines the individual and/or District is in compliance with state and federal laws and regulations, the District Nondiscrimination Officer or designee shall state the reason in writing to the complainant.

- b. If the District Nondiscrimination Officer or designee finds probable cause to believe that the individual and/or District is discriminating in violation of state and federal laws and regulations, the District Nondiscrimination Officer or designee shall advise the Superintendent of steps to bring the individual and/or District into compliance.

The District Nondiscrimination Officer or designee may consult with appropriate District-level administrators regarding District nondiscrimination policies and the discrimination complaint process.

2. If the complainant is dissatisfied with the decision of the District Nondiscrimination Officer, he/she may appeal the decision in writing to the Superintendent. The Superintendent shall investigate the alleged discrimination and make a written decision regarding the case. Copies of the decision shall be mailed or delivered to the complainant, the District Nondiscrimination Officer or designee and appropriate District-level administrators.
3. Appeals beyond the Superintendent may be made to the appropriate agencies and/or courts having proper jurisdiction. For example, teacher and administrative personnel discrimination complaints may be appealed to the State Superintendent of Public Instruction.

C. Exceptions

Nothing in these procedures shall prevent an individual from filing a complaint directly with a state or federal agency as authorized by law. For example:

1. Complaints involving alleged violations of federal laws such as Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 or Section 504 of the Rehabilitation Act may be filed at any time with the Office of Civil Rights, U.S. Department of Education, 111 N. Canal Street, Room 1053, Chicago, IL 60606.
2. Complaints involving alleged violations of Wisconsin's Fair Employment Standards may be filed at any time with the Equal Rights Division of the Wisconsin Department of Workforce Development.

D. Maintenance of Complaint Records

Records of all discrimination complaints shall be kept for the purpose of documenting compliance and past practices. The records shall include information on all levels of the complaint and any appeals. The records should include:

1. The name of the complainant and his/her title or status.
2. The date the complaint was filed.
3. The specific allegation made and any corrective action requested by the complainant.
4. The name(s) of the respondents.
5. The levels of processing followed, and the resolution, date and decision-making authority at each level.
6. A summary of facts and evidence presented by each party involved.
7. A statement of the final resolution and the nature and date(s) of any corrective or remedial action taken.

LEGAL REF.: Sections 111.31-111.395 Wisconsin Statutes
118.195
118.20

Titles VI and VII, Civil Rights Act of 1964, as amended by the Equal
Employment Opportunity Act of 1972
Title IX, Education Amendments of 1972
Section 504, Rehabilitation Act of 1973
Age Discrimination Act of 1975
Pregnancy Discrimination Act
Immigration Control and Reform Act of 1986
Americans with Disabilities Act of 1990
Civil Rights Act of 1991

CROSS REF.: 411, Equal Educational Opportunities
510, Philosophy of Human Resource Management
512, Harassment
526, Personnel Records
533, Staff Employment
533.1, Criminal Background Checks (Pre-Employment)

APPROVED: August 2002

REVISED: September 18, 2007
December 6, 2013
December 11, 2013
July 14, 2014

MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

GUIDANCE FOR ADMINISTRATORS (411.1 and 511.1)

ENSURING EQUAL OPPORTUNITY AND FREEDOM FROM HARASSMENT FOR TRANSGENDER AND GENDER NON-CONFORMING STUDENTS AND STAFF

The purpose of this guidance sheet is to assist administrators in providing a safe, secure and dignified educational and work atmosphere for the students and staff under their supervision. Please review this guidance in preparation for situations that may arise involving transgender and gender non-conforming students and staff and refer back to it when needed. If issues arise that are not addressed within this guidance sheet or more information and support is desired, please contact the Director of Student Services.

Topic	Guidance¹
<p>Safety and Bullying:</p> <p>Transgender and gender non-conforming students and staff are disproportionately targeted for teasing, bullying, harassment, and physical violence.²</p>	<p>Confront and report bullying and name calling consistently. This includes name calling and bullying based on gender stereotypes, gender identity and gender expression.</p> <p><i>See Administrative Policy 411.1 Bullying of Students and Staff</i></p>
<p>Names and Pronouns:</p> <p>Frequently transgender and gender non-conforming people are not addressed by appropriate pronouns or names.³ Having one's gender identity recognized and validated is important.</p>	<p>Refer to all students by their preferred name and gender pronouns whenever possible. Have conversations regarding preferences with the student in private.</p> <p><i>See Administrative Policy 347 Student Records</i></p>
<p>Bathrooms:</p> <p>Transgender and gender non-conforming people often struggle to find restroom facilities that are safe and that correspond with their gender identity. Having safe and respectful access to restroom facilities is important to the health and well-being of transgender and gender non-conforming people.</p>	<p>Students and staff shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student or staff who has a need or desire for increased privacy, regardless of underlying reasons, should be provided access to a single stall restroom, but no student or staff shall be required to use such a restroom.</p>
<p>Privacy:</p> <p>All persons have a right to privacy, which includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical information. Disclosing this information to other staff, students, their parents or other third parties may violate privacy laws and policies.</p>	<p>Students have a right to keep their personal information private. Staff members should not disclose information about a student's gender identity or gender expression to others unless legally obligated or expressly given permission by the student.</p> <p>Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly. The fact that a student chooses to disclose his or her transgender status to others does not authorize school staff to disclose information.</p> <p><i>See Administrative Policy 347 Student Records</i></p>
<p>Physical Education/Athletics/Clubs:</p> <p>Transgender and gender non-conforming students may find it difficult to participate in extra-curricular activities. There may also be barriers of access and comfort for transgender and gender non-conforming youth regarding physical education.</p>	<p>Using gender to separate and/or identify students in physical education classes is discouraged. In circumstances where gender is used, students should be permitted to participate consistent with their gender identity. Students shall also be permitted to participate in intramural sports and club activities in a manner consistent with their gender identity. Furthermore, unless precluded by state interscholastic association policies⁴, students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.</p>

¹MCPASD – Administrative Policies 411 Equal Educational Opportunities, 411.1 Bullying of Students and Staff, 511 Equal Opportunity Employment, 512 Harassment – These policies protect all students and staff from discrimination or harassment based on gender, gender identity, gender expression, and sexual orientation. The Federal Family Educational Rights and Privacy Act (FERPA) also may pertain.

²Greytak, E.A., Kosciw, J.G. & Diaz, E.M. (2009) Harsh Realities: The experiences of transgender youth in our nation's schools. New York: GLSEN.

³American Psychological Association (APA). (2006). Answers to your questions about transgender individuals and gender identity. Retrieved Aug 9, 2010, from <http://www.apa.org/topics/transgender.html>

⁴WIAA's last articulated position is to leave it to each District to address the issue of transgender student participation.