

## NONDISCRIMINATION (REGULATIONS)

In accordance with the policy of the board of education, the following regulations shall apply to insure that all local, state, and federal laws, regulations, and guidelines are followed.

### General

In order for the school district to continue to receive federal financial assistance, it must comply with Title IX and the regulations promulgated through the U.S. Department of Health, Education and Welfare by the Department's Office for Civil Rights interpreting Title IX. If any program or activity of this district fails to comply with Title IX, or the federal administrative regulations implementing Title IX, public hearings would be held by the federal government that could result in the termination of federal funding of this district.

In addition to these sanctions, however, the board of education is of the general view that discrimination on the basis of gender in any education program or activity of this district is not to be permitted **except where necessary to accomplish a specific purpose that does not impinge upon essential equality or fundamental fairness in the treatment of students or employees of this district.** Accordingly, employees of this district are required by these regulations to comply with these provisions in relation to any rule or regulation adopted by the board of education of this district and to any state and federal laws applicable to this district.

### Application to Specific Education Programs and Activities

This prohibition against action by employees or other persons acting in the name and on the behalf of this district which bases any exclusion from participation in, denial of benefits from, or discrimination in, any educational program or activity because of the gender of a student or employee applies to all education programs and activities conducted by this district including, but not limited to, the following:

1. Educational Programs
  - A. Course Offerings--Applies to all course offerings, except with respect to physical education classes and activities at the elementary and secondary school levels. The following are not prohibited:
    1. Grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to gender;
    2. Separation of students by gender within physical education classes or activities during participation in wrestling, boxing, rugby, ice hockey, football, basketball, and other body contact sports;
    3. Separation of students by gender in classes dealing exclusively with human sexuality; and
    4. Separation of persons based on vocal range or quality even though such separation may result in chorus or choruses of one or predominantly one gender.

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- B. Athletics--Applies to all athletic programs or activities, except that separate teams for members of each gender may be operated:
1. When the sport involved is a contact sport; or
  2. Where selection for the separate teams is based upon competitive skill, provided that where there is no such team for the excluded gender, members of the excluded gender must be allowed to tryout for the team unless the sport involved is a contact sport, as defined above.

Equal athletic opportunity shall be provided for members of both genders, including equal provision for equipment, supplies, coaching, facilities, services, and publicity, except that unequal aggregate expenditure of funds for members of each gender or male and female teams will not in or of itself constitute a violation of these regulations.

- C. Counseling--Applies to all counseling and guidance activities at the elementary and secondary school levels.
- D. Textbooks--Nothing in these regulations shall be interpreted as requiring or prohibiting or abridging in any way the use of particular textbooks or curricular materials.
2. Other Activities or Facilities
- A. Financial Assistance--Applies to offering scholarship or other aid or assisting non-school organizations in the offering of scholarships or other aid to students of this district.
- B. Employment Assistance--Applies to all efforts to place students in employment. The district shall, as part of any employment assistance program for students, ensure that all employment opportunities are made available without discrimination on the basis of gender and refuse participation in its student employment program to employers who would practice such discrimination.
- C. Health and Insurance--Applies to all health or insurance policies offered to students but does not prohibit benefits or services which may be used by a different proportion of students of one gender than of the other, including family planning. If full coverage is provided, such coverage must include gynecological care.
- D. Housing--Nothing in these regulations shall be interpreted as prohibiting the separation of students by gender in housing for field trips or other reasons. Such separate housing must be comparable in quality and availability.
- E. Toilet, Locker, and Shower Facilities--Separate toilet, locker, and shower facilities may be provided on the basis of gender. Such facilities shall be comparable to similar facilities provided for students of the other gender.

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No rule on marital, family, or parental status that treats one gender different from the other shall be applied or enforced.

3. District Employment Activities

Applies to all aspects of the district's employment programs, including but not limited to, recruitment, advertising, process of application for employment, promotion, granting of tenure, termination, layoffs, wages, job assignments, leaves of absence of all types, fringe benefits, training programs, employer-sponsored programs, including social or recreational programs and any other term, condition, or privilege of employment.

Specifically, the following personnel employment practices are prohibited:

- A. Tests--Administration of any test or other criterion that has a disproportionately adverse effect on persons on the basis of gender unless it is a valid predictor of job success and alternative tests or criterion are unavailable.
- B. Recruitment--Recruitment of employees from entities which furnish as applicants members of only or predominantly one gender, if such action has the effect of discrimination on the basis of gender.
- C. Compensation--Establishment of rates of pay on the basis of gender.
- D. Job Classification--Classification of jobs as being for males or females.
- E. Fringe Benefits--Provision of fringe benefits on the basis of gender; all fringe benefit plans must treat males and females equally.
- F. Marital and Parental Status--Any action based on marital or parental status; pregnancies are considered temporary disabilities for all job-related purposes and shall be accorded the same treatment by the district as are all other temporary disabilities. No inquiry shall be made by the district in job applications as to the marital status of an applicant, including whether such applicant is "Miss" or "Mrs.," but inquiry may be made as to the gender of a job applicant for employment if made of all applicants and is not basis for discrimination.
- G. Employment Advertising--Any expression of preference, limitation, or specification based on gender, unless gender is a bona fide occupational qualification for the particular job in question.

Policy Enforcement

To ensure compliance with board policy, the superintendent shall:

- 1. Designate a member of the administrative staff to:
  - A. Coordinate efforts of the district to comply with these regulations;

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- B. Develop and ensure the maintenance of a filing system to keep all records required under these regulations;
  - C. Investigate any complaints of violation of these regulations;
  - D. Administer the grievance procedure established in these regulations; and
  - E. Develop affirmative action programs, as appropriate; and
2. Provide for the publication of these regulations on an ongoing basis to students, parents, employees, prospective employees, and district employee unions or organizations, such publication to include the name, office, address, and telephone number of the compliance administrator designated above.