

## **STUDENT COMPLAINTS AND GRIEVANCES**

### **NONDISCRIMINATION ON THE BASIS OF GENDER**

#### **Statement of Intent to Comply with Title IX of the Education Amendments of 1972 (Nondiscrimination on the Basis of Gender)**

Title IX of the Education Amendments of 1972 declares, in part, that:

"No person in the United States shall on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

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.

#### **Application to Specific Educational Programs and Activities.**

This policy's 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, or discrimination in, any educational program or activity because of the Gender of a student.

#### **1. Educational Programs**

- a. Course offerings. Applies to all course offerings except that with respect to physical education classes and activities at the elementary and secondary school levels, compliance shall be attained as expeditiously as possible. This policy does not prohibit:
  - (1) grouping of students in physical education classes and activities according to 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 bodily contact sports;
  - (3) separation of persons based on vocal range or quality even though such separation may result in chorus or choruses of one or predominately one gender.
- b. Athletics. Applies to all athletic programs or activities except that separate teams for members of each sex 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 not now and has been no such team for the excluded gender, members of the excluded gender must be allowed to try out for the team unless the sport involved is a contact sport, as defined in paragraph 1.a(2) above.  
Moreover, 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 and of itself constitute a violation of this policy.
- c. Counseling. Applies to all counseling and guidance activities at the elementary and secondary school levels.

- d. Textbooks. Nothing in this policy shall be interpreted as requiring, prohibiting, or abridging in any way the use of particular textbooks or curricular materials.

2. Other Activities and Use of Facilities

- a. Financial assistance. Applies to offering scholarships or other aid or assisting nonschool 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. Insurance. Applies to all insurance policies offered to students.
- d. Housing. Nothing in this policy 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 sex. Such facilities shall be comparable to similar facilities provided for students of the other sex.

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

Grievance Procedure.

Any student of this district who believes he or she has been discriminated against, or excluded from participation in any district education program or activity on the basis of gender in violation of this policy may file a written complaint with the compliance administrator. The compliance administrator shall cause a review of the written complaint to be conducted and a written response mailed to the complainant within 10 working days after receipt of the written complaint. A copy of the written complaint and the compliance administrator's response shall be provided to each member of the Board. If the complainant is not satisfied with such response, he or she may submit a written appeal to the Board indicating with particularity the nature of disagreement with the response and his or her reasons underlying such disagreement.

The Board shall consider the appeal at its next regularly scheduled meeting following receipt of the response. The Board shall permit the complainant to address the Board in public or closed session, as appropriate and lawful, concerning his or her complaint and shall provide the complainant with its written decision in the matter as expeditiously as possible following completion of the hearing.

Adopted: 09/27/76

Revised: 05/12/97

LEGAL REFS.: Education Amendments of 1972, Title IX (P.L. 92-318)  
45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August 11, 1975)  
Wyoming Constitution, Art. 7, § 10 W.S. 21.1 -59, 21 .1 -173  
Wyoming Education Policies Reference Manual, codes AC, GBA, JB

CROSS REF.: GBA, Equal Opportunity Employment

