

**522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

**I. GENERAL STATEMENT OF POLICY/ NOTICE OF NONDISCRIMINATION**

- A. Minnesota Transitions Charter School (MTCS) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in employment.
- B. Inquiries about Title IX may be referred to the Title IX Coordinator(s), the United States Department of Education's Office for Civil Rights, or both. MTCS's Title IX Coordinator is: Erin Copeland, 612-722-9013, 2872 26<sup>th</sup> Ave S. Mpls. MN, 55406, [ecopeland@emailmtcs.org](mailto:ecopeland@emailmtcs.org)
- C. To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please contact the Title IX Coordinator identified above or refer to <https://mtcs.org/policies/>
- D. MTCS's nondiscrimination policy and grievance procedures can be located on MTCS's website as Policy 522.
- E. The effective date of this policy is August 1, 2024, and applies to alleged violations of this policy occurring on or after August 1, 2024.

**II. DEFINITIONS**

For the purposes of this policy and its Addendum, the following definitions apply.

- A. "Complaint" means an oral or written request to MTCS that objectively can be understood as a request for MTCS to investigate and make a determination about alleged discrimination under Title IX or its regulations.
- B. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the MTCS office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- C. "Disciplinary sanctions" means consequences imposed on a respondent following a determination under Title IX that the respondent violated MTCS's prohibition on sex discrimination.
- D. "Parental status" means the status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:
  - 1. A biological parent;
  - 2. An adoptive parent;
  - 3. A foster parent;
  - 4. A stepparent;
  - 5. A legal custodian or guardian;

6. In loco parentis with respect to such a person; or
  7. Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- E. "Party" means a complainant or respondent.
  - F. "Peer retaliation" means retaliation by a student against another student.
  - G. "Program or activity" and "program" means all of the operations of MTCS.
  - H. "Relevant" means related to the allegations of sex discrimination under investigation . Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.
  - I. "Remedies" means measures provided, as appropriate, to a complainant or any other person MTCS identifies as having had their equal access to MTCS's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to MTCS's education program or activity after a determination that sex discrimination occurred.
  - J. "Respondent" means a person who is alleged to have violated MTCS's prohibition on sex discrimination.
  - K. "Retaliation" means intimidation, threats, coercion, or discrimination against any person by MTCS, a student, or an employee or other person authorized by MTCS to provide aid, benefit, or service under MTCS's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.
  - L. "Sex-based harassment" prohibited by Title IX and its regulations is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:
    1. *Quid pro quo harassment.*  
 An employee, agent, or other person authorized by MTCS to provide an aid, benefit, or service under MTCS's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
    2. *Hostile environment harassment.*  
 Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from MTCS's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
      - a. The degree to which the conduct affected the complainant's ability to access MTCS's education program or activity;
      - b. The type, frequency, and duration of the conduct;

- c. The parties' ages, roles within MTCS's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and
- e. Other sex-based harassment in MTCS's education program or activity; or

3. *Specific offenses.*

- a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- b. Dating violence meaning violence committed by a person:
  - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (a) The length of the relationship;
    - (b) The type of relationship; and
    - (c) The frequency of interaction between the persons involved in the relationship;
- c. Domestic violence meaning felony or misdemeanor crime(s) committed by a person who:
  - i. is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the state of Minnesota, or a person similarly situated to a spouse of the victim;
  - ii. is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
  - iii. shares a child in common with the victim; or
  - iv. commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress.

M. "Student" means a person who has gained admission.

N. "Student with a disability" means a student who is an individual with a disability as

defined in the Rehabilitation Act of 1973, as amended, or a child with a disability as defined in the Individuals with Disabilities Education Act.

- O. "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:
  - 1. Restore or preserve that party's access to MTCS's education program or activity, including measures that are designed to protect the safety of the parties or MTCS's educational environment; or
  - 2. Provide support during MTCS's grievance procedures or during the informal resolution process.
  
- P. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

### **III. DESIGNATION OF TITLE IX COORDINATOR AND DESIGNEES**

- A. MTCS will designate and authorize at least one Title IX Coordinator to coordinate its efforts to comply with its obligations under Title IX and its regulations. If MTCS has more than one Title IX Coordinator, it will designate one of its Title IX Coordinators to retain ultimate oversight over the responsibilities and ensure MTCS's consistent compliance with its responsibilities under Title IX and its regulations.
- B. As appropriate, the Title IX Coordinator may delegate specific duties to one or more designees.

### **IV. REPORTING PROHIBITED CONDUCT**

- A. Any student 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.
- B. All employees must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations. This requirement does not apply to an employee who has personally been subject to conduct that reasonably may constitute sex discrimination under Title IX or its regulations.
- C. Any employee of MTCS who has experienced, has 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.
- D. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during nonbusiness hours, and may be made in person, by mail, by telephone, or by email 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.
- E. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, MTCS may report the alleged conduct to law enforcement authorities. MTCS encourages complainants to report

criminal behavior to law enforcement immediately.

**V. RETALIATION**

MTCS prohibits retaliation, including peer retaliation, in its education program or activities. Upon receiving a complaint alleging retaliation, MTCS will initiate its grievance procedures or, as appropriate, an informal resolution process.

**VI. GRIEVANCE PROCEDURE AND PROCESS**

The grievance procedure and process adopted by MTCS shall be included with the Policy as an addendum, and may be reviewed and revised as deemed appropriate by MTCS administration.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
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"))

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 413 (Harassment and Violence)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Revised by Squires, Waldspurger & Mace, P.A., August 6, 2024

**Title IX Grievance Procedure and Process  
Addendum to Policy 522**

**I. GRIEVANCE PROCEDURES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS OF SEX DISCRIMINATION**

A. General

These grievance procedures apply only to sex discrimination complaints alleging that a person violated MTCS's prohibition on sex discrimination. When a sex discrimination complaint alleges that a school district's policy or practice discriminates on the basis of sex, MTCS is not considered to be a respondent.

B. Core Requirements of Grievance Procedures

1. MTCS treats complainants and respondents equitably.
2. MTCS requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The decisionmaker may be the same person as the Title IX Coordinator or investigator.
3. MTCS presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
4. MTCS has established the following reasonably prompt timeframes for the major stages of the grievance procedures:
  - a. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
  - b. An appeal of a decision dismissing a complaint must be received by MTCS within five (5) days of the date the notice of dismissal was provided to the parties.
  - c. Any appeal of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by MTCS.
  - d. MTCS will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the complaint was received by MTCS.
  - e. Although MTCS strives to adhere to the timelines described above, in each case, MTCS 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.
  - f. MTCS has established the following process for reasonable extension of timeframes on a case-by-case basis for good cause as set forth above: Any party or an investigator or decisionmaker may make a

request to the Title IX Coordinator to extend the timeline for good cause. If the Title IX Coordinator determines the reason for the extension constitutes good cause, the Title IX Coordinator will notify the parties of the reason for delay.

5. MTCS will take reasonable steps to protect the privacy of the parties and witnesses during the pendency of the grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses, subject to the prohibition against retaliation; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures.
6. MTCS will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.
7. The following types of evidence, and questions seeking that evidence, as impermissible (i.e., will not be accessed or considered, unless an exception below applies ; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
  - a. Evidence that is protected under a privilege as recognized by federal or Minnesota law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
  - b. A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless MTCS has that party's or witness's voluntary, written consent for use in the grievance procedures; and
  - c. Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred; and

#### C. Complaints

1. The following people have the right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that MTCS investigate and make a determination about alleged discrimination under Title IX:
  - a. A "complainant," which includes:
    - i. a student or employee of MTCS who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
    - ii. a person other than a student or employee of MTCS who is alleged to have been subjected to conduct that could

constitute sex discrimination at a time when that individual was participating or attempting to participate in MTCS's education program or activity;

- b. A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- c. MTCS's Title IX Coordinator.

The individuals above are entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator submits the complaint.

- 2. With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have the right to make a complaint:
  - a. Any student or employee of MTCS; or
  - b. Any person other than a student or employee who was participating in or attempting to participate in MTCS's education program or activity at the time of the alleged sex discrimination.

D. Notice of Allegations

Upon initiation of MTCS's grievance procedures, MTCS will notify the parties of the following:

- 1. MTCS's grievance procedures, and if applicable, any informal resolution process;
- 2. Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s), to the extent that information is available to MTCS;
- 3. Retaliation is prohibited; and
- 4. The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If MTCS provides a description of the evidence, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, MTCS decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice, MTCS will provide notice of the additional allegations to the parties whose identities are known.

E. Dismissal of a Complaint

- 1. MTCS may dismiss a complaint of sex discrimination if:
  - a. MTCS is unable to identify the respondent after taking reasonable steps to do so;
  - b. The respondent is not participating in a school district education

program or activity and is not employed by MTCS;

- c. The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and MTCS determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or,
    - d. MTCS determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, MTCS will make reasonable efforts to clarify the allegations with the complainant.
  2. Upon dismissal, MTCS will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then MTCS will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.
  3. MTCS will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then MTCS will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
    - a. Procedural irregularity that would change the outcome;
    - b. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
    - c. The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.
  4. If the dismissal is appealed, MTCS will:
    - a. Notify the parties of any appeal, including notice of the allegations if notice was not previously provided to the respondent;
    - b. Implement appeal procedures equally for the parties;
    - c. Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
    - d. Ensure that the decisionmaker for the appeal has received training required by Title IX;
    - e. Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
    - f. Notify the parties of the result of the appeal and the rationale for the result.
  5. When MTCS dismisses a complaint, it must, at a minimum:
    - a. Offer supportive measures to the complainant as appropriate;
    - b. If the respondent has been notified of the allegations, offer supportive

measures to the respondent as appropriate; and

- c. Take other appropriate prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within MTCS's education program or activity.
6. Dismissal of a complaint or a portion thereof does not preclude MTCS from addressing the underlying conduct in any manner that MTCS deems appropriate.

E. Investigation

1. MTCS will provide for adequate, reliable, and impartial investigation of complaints.
2. The burden is on MTCS – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred;
3. MTCS will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible;
4. MTCS will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.
5. MTCS will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible in the following manner:
  - a. MTCS will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If MTCS provides a description of the evidence, it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
  - b. MTCS will provide a reasonable opportunity to respond to the evidence or to the accurate description of the evidence; and
  - c. MTCS will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

F. Questioning Parties and Witnesses to Aid in Evaluating Allegations and Assessing Credibility

MTCS will enable the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

G. Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, MTCS will:

1. Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
2. Notify the parties in writing of the determination whether sex discrimination occurred under Title IX or its regulations including the rationale for such determination;
3. Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination;
4. If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
  - a. Coordinate the provision and implementation of remedies to a complainant and other persons MTCS identifies as having had equal access to MTCS's education program or activity limited or denied by sex discrimination;
  - b. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within MTCS's education program or activity;
4. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
5. Not discipline a party, witness, or others participating in school district's grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on MTCS's determination whether sex discrimination occurred.

H. Informal Resolution

In lieu of resolving a complaint through MTCS's grievance procedures, the parties may instead elect to participate in an informal resolution process offered by MTCS.

I. Provisions Limited to Sex-Based Harassment Complaints

1. Supportive measures may be made available to complainants and respondents, as appropriate. Available supportive measures include: reassignment of classes, transportation changes, no-contact directives, alternate passing times, escorts, extensions of deadlines or course-related requirements, counseling or support from designated adults, and other measures that are necessary and appropriate to ensure complainants and respondents are not denied equal access to MTCS's education program and activity.
2. Following a determination that sex-based harassment occurred by a student-respondent, MTCS may impose discipline consistent with Policy 506.

Following a determination that sex-based harassment occurred by an employee-respondent, MTCS may impose discipline consistent with any applicable personnel policy, collective bargaining agreement, or Minnesota law, including suspension without pay and termination or discharge. Available remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, leaves of absence, monitoring of certain areas of school district buildings or property, transfer, transportation changes, and other remedies determined appropriate by the Title IX Coordinator.

## **II. INFORMAL RESOLUTION OF A COMPLAINT**

- A. At any time prior to determining whether sex discrimination occurred, MTCS a complainant and respondent may participate in an informal resolution process, unless the complaint includes allegations that an employee engaged in sex-based harassment of a student or such a process would conflict with federal, Minnesota, or local law
  - 1. Subject to the limitations in Paragraph A. above, MTCS has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination under Title IX or its regulations or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes.
  - 2. In addition to the limitations in Paragraph A. above, circumstances when MTCS may decline to allow informal resolution include but are not limited to when MTCS determines that the alleged conduct would present a future risk of harm to others.
- B. MTCS will not require or pressure the parties to participate in an informal resolution process. The parties must voluntarily consent to the informal resolution process. MTCS will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right.
- C. Before initiation of an informal resolution process, MTCS will provide the parties notice of the following:
  - 1. The allegations;
  - 2. The requirements of the informal resolution process;
  - 3. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume MTCS's grievance procedures;
  - 4. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
  - 5. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
  - 6. What information MTCS will maintain and whether and how MTCS could disclose such information for use in grievance procedures, if grievance procedures are initiated or resumed.

- D. The facilitator for the informal resolution process will not be the same person as the investigator or the decision maker in MTCS's grievance procedures.
- E. Potential terms that may be included in an informal resolution agreement include but are not limited to:
  - 1. Restrictions on contact; and
  - 2. Restrictions on the respondent's participation in one or more of MTCS's programs or activities or attendance at specific events, including restrictions MTCS could have imposed as remedies or disciplinary sanctions had MTCS determined at the conclusion of MTCS's grievance procedures that sex discrimination occurred.