

## 522 Student Sex Nondiscrimination

### I. Purpose

Students are protected from discrimination on the basis of sex pursuant to Title IX of the Education Amendments of 1972 and the Minnesota Human Rights Act. The purpose of this policy is to comply with legal provisions for schools and to provide for equal educational opportunities for all students as well as to prohibit discrimination on the basis of sex.

### II. General Statement of Policy

- A. It shall be the policy of the school district to provide equal educational opportunities for all students. The school district shall not unlawfully discriminate on the basis of sex. 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.
- B. Every school district employee shall be responsible for complying with this policy.
- C. The school board hereby designates Jennifer Claseman, Director of Human Resources, 6000 West Moore Lake Drive, Fridley, MN 55432, 763-502-5013, [Jennifer.claseman@fridley.k12.mn.us](mailto:Jennifer.claseman@fridley.k12.mn.us) as its Title IX coordinator. This employee coordinates the school district's efforts to comply with and carry out its responsibilities under Title IX.
- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulation and/or this policy should discuss them with the Title IX coordinator. 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. In the absence of a specific designee, an inquiry or complaint should be referred to the superintendent or the school district human rights officer.
- E. This policy shall be made available by the building principal to all students, staff members, employee unions and school organizations. The school district shall periodically review this policy and the school district's operation for compliance with state and federal laws prohibiting discrimination.

### III. Reporting Procedures

- A. Any student, parent or guardian having questions regarding this policy should discuss it with the appropriate school district official provided by this policy. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel should report the alleged acts immediately to the designated school contact person or building principal. Any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to the Human Rights Officer or Superintendent.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school district office. Use of formal reporting forms is not mandatory. Oral reports shall be considered complaints as well and will be documented in writing at the time of the complaint. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school district employee, principal, or to the superintendent. Submission of a good faith complaint, grievance or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades or work assignments.
- C. The building principal or designee is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student at the building level. Any adult school district personnel who receives a report of unlawful sex discrimination toward a student shall inform the building principal immediately.
- D. Upon receipt of a report or grievance, the principal must notify the district compliance officer immediately, without screening or investigating the report. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practical by the principal to the compliance officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the compliance officer. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- E. The school board hereby designates Jennifer Claseman Title IX Coordinator, 6000 West Moore Lake Drive, Fridley, MN 55432, 763-502-5013, [Jennifer.claseman@fridley.k12.mn.us](mailto:Jennifer.claseman@fridley.k12.mn.us) as the school district human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the Superintendent.

- F. The school district shall conspicuously post the names of the Title IX coordinator and human rights officer, including office addresses and telephone numbers and work e-mail addresses.
- G. Submission of a good faith complaint, grievance, or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.
- H. Use of formal reporting forms is not mandatory.
- I. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### IV. Investigation

- A. By authority of the school district, the compliance officer, upon receipt of a report, complaint or grievance alleging unlawful sex discrimination toward a student shall promptly undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. 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 or 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.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged unlawful sex discrimination toward a student. The school district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

- E. The investigation will be completed as soon as practical. The school district compliance officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the School Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **V. School District Action**

- A. Upon conclusion of the investigation and receipt of a report, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

## **VI. Reprisals or Retaliation**

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful sex discrimination toward a student or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such unlawful sex discrimination. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **VII. Right to Alternative Complaint Procedures**

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, seeking redress under state criminal statutes and/or federal law or contacting the Office of Civil Rights for the United States Department of Education.

### ***Legal References:***

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

Minn. Stat. Ch. 363A (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)

### ***School Board Action:***

Adopted as Policy 8.102 and 8.103  
Revised as Policy 522 June 18, 2002  
Revised February 16, 2016  
Revised December 20, 2016



## Fridley School District Sex Discrimination Report Form

Fridley Independent School District 14 maintains a firm policy prohibiting all forms of sex discrimination. Fridley School District does not discriminate against any individual on the basis of race, color, creed, national origin, sex, marital status, status with regard to public assistance, sexual orientation, age, family status, veteran status or disability in school employment, programs or activities. All persons are to be treated with respect and dignity. Sex discrimination will not be tolerated.

Complainant \_\_\_\_\_

Work Address \_\_\_\_\_

Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Name of person you believe unlawfully discriminated toward you or a student on the basis of sex  
\_\_\_\_\_

If the alleged unlawful sex discrimination was toward another person, identify that person  
\_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved, etc.

(Attach additional pages if necessary.) \_\_\_\_\_

Where and when did the incident(s) occur? \_\_\_\_\_  
\_\_\_\_\_

List any witnesses who were present \_\_\_\_\_  
\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_  
has harassed or has been violent to me or to another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by

Return to the human rights coordinator, Jennifer Claseman.