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RICHFIELD PUBLIC SCHOOLS

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 provide equal educational opportunity for all students and to prohibit discrimination on the basis of sex.

II. GENERAL STATEMENT OF POLICY

- A. Richfield Public Schools provides equal educational opportunity for all students, and does 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. It is the responsibility of every District employee to comply with this policy.
- C. The school board hereby designates Chief Human Resources & Administrative Officer Craig Holje, 401 70th Street W. (Door #26), Richfield, 612-798-6031, craig.holje@rpsmn.org as its Title IX coordinator. This employee coordinates the 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 regulations and/or this policy should discuss them with the Title IX coordinator. Questions relating solely to Title IX and its regulations are addressed in Policy 115: Title IX and may also 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 District human rights officer.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes they have been the victim of unlawful sex discrimination by a teacher, administrator or other school district personnel, or any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student should report the alleged acts immediately to an appropriate District official designated by this policy or may file a grievance. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from

- 1 the District Office, but oral reports shall be considered complaints
2 as well. Nothing in this policy shall prevent any person from
3 reporting unlawful sex discrimination toward a student directly to
4 the District human rights officer or to the superintendent.
5
- 6 B. In Each School Building. The building principal is the person
7 responsible for receiving oral or written reports or grievances of
8 unlawful sex discrimination toward a student at the building level.
9 Any adult District personnel who receives a report of unlawful sex
10 discrimination toward a student shall inform the building principal
11 immediately.
12
- 13 C. Upon receipt of a report or grievance, the principal must notify the
14 District human rights officer immediately. The principal may
15 request, but may not insist upon a written complaint. A written
16 statement of the facts alleged will be forwarded as soon as
17 practicable by the principal to the human rights officer. If the report
18 was given verbally, the principal shall personally reduce it to written
19 form within 24 hours and forward it to the human rights officer.
20 Failure to forward any report or complaint of unlawful sex
21 discrimination toward a student as provided herein may result in
22 disciplinary action against the principal. If the complaint involves
23 the building principal, the complaint shall be made or filed directly
24 with the superintendent or the District human rights officer by the
25 reporting party or complainant.
26
- 27 D. The school board hereby designates its Title IX coordinator as the
28 District human rights officer(s) to receive reports, complaints or
29 grievances of unlawful sex discrimination toward a student. If the
30 complaint involves the human rights officer, the complaint shall be
31 filed directly with the superintendent.
32
- 33 E. The District shall conspicuously post the name of the Title IX
34 coordinator and human rights officer(s), including office mailing
35 addresses and telephone numbers.
36
- 37 F. Submission of a good faith complaint, grievance or report of
38 unlawful sex discrimination toward a student will not affect the
39 complainant or reporter's future employment, grades or work
40 assignments.
41
- 42 G. Use of formal reporting forms is not mandatory.
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- 44 H. The District will respect the privacy of the complainant, the
45 individual(s) against whom the complaint is filed, and the witnesses
46 as much as possible, consistent with the school district's legal
47 obligations to investigate, to take appropriate action, and to
48 conform with any discovery or disclosure obligations.
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1 **IV. INVESTIGATION**

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3 A. By authority of the District, the human rights officer, upon receipt of
4 a report, complaint or grievance alleging unlawful sex
5 discrimination toward a student shall promptly undertake or
6 authorize an investigation. The investigation may be conducted by
7 school district officials or by a third party designated by the school
8 district.

9
10 B. The investigation may consist of personal interviews with the
11 complainant, the individual(s) against whom the complaint is filed,
12 and others who may have knowledge of the alleged incident(s) or
13 circumstances giving rise to the complaint. The investigation may
14 also consist of any other methods and documents deemed
15 pertinent by the investigator.

16
17 C. In determining whether alleged conduct constitutes a violation of
18 this policy, the District should consider the surrounding
19 circumstances, the nature of the behavior, past incidents or past or
20 continuing patterns of behavior, the relationships between the
21 parties involved and the context in which the alleged incidents
22 occurred. Whether a particular action or incident constitutes a
23 violation of this policy requires a determination based on all the
24 facts and surrounding circumstances.

25
26 D. In addition, the District may take immediate steps, at its discretion,
27 to protect the complainant, pupils, teachers, administrators or other
28 school personnel pending completion of an investigation of alleged
29 unlawful sex discrimination toward a student.

30
31 E. The investigation will be completed as soon as practicable. The
32 District human rights officer shall make a written report to the
33 superintendent upon completion of the investigation. If the
34 complaint involves the superintendent, the report may be filed
35 directly with the school board. The report shall include a
36 determination of whether the allegations have been substantiated
37 as factual and whether they appear to be violations of this policy.

38
39 **V. SCHOOL DISTRICT ACTION**

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41 A. Upon conclusion of the investigation and receipt of a report, the
42 District will take appropriate action. Such action may include, but is
43 not limited to, warning, suspension, exclusion, expulsion, transfer,
44 remediation, termination or discharge. District action taken for
45 violation of this policy will be consistent with requirements of
46 applicable collective bargaining agreements, Minnesota and federal
47 law and school district policies.

- 1 B. The result of the District’s investigation of each complaint filed
2 under these procedures will be reported in writing to the
3 complainant by the District in accordance with state and federal law
4 regarding data or records privacy.
5

6 **VI. REPRISAL**

7
8 The District will discipline or take appropriate action against any pupil,
9 teacher, administrator or other school personnel who retaliates against
10 any person who reports alleged unlawful sex discrimination toward a
11 student or any person who testifies, assists or participates in an
12 investigation, or who testifies, assists or participates in a proceeding or
13 hearing relating to such unlawful sex discrimination. Retaliation includes,
14 but is not limited to, any form of intimidation, reprisal or harassment.
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16 **VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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18 These procedures do not deny the right of any individual to pursue other
19 avenues of recourse which may include filing charges with the Minnesota
20 Department of Human Rights, initiating civil action or seeking redress
21 under state criminal statutes and/or federal law, or contacting the Office of
22 Civil Rights for the United States Department of Education.
23

24 **VIII. DISSEMINATION OF POLICY AND EVALUATION**

- 25
26 A. This policy shall be made available to all students,
27 parents/guardians of students, staff members, employee unions
28 and organizations.
29
30 B. The District shall review this policy and the District’s operation for
31 compliance with state and federal laws prohibiting discrimination on
32 a continuous basis.
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35 **Legal References:**

36 Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
37 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
38 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
39 34 C.F.R. Part 106 (Implementing Regulations of Title IX)
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41 **Cross References:**

42 Board Policy 102 (Equal Educational Opportunity)
43 Board Policy 104 (Harassment Prohibition)
44 Board Policy 115 (Title IX)
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