

RICHFIELD PUBLIC SCHOOLS

TITLE IX POLICY

I. GENERAL STATEMENT OF POLICY/ NOTICE OF NONDISCRIMINATION

- A. Richfield Public Schools does not discriminate on the basis of sex, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, in any education program or activity that it operates, including in employment. The District is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. Inquiries about Title IX may be referred to the Title IX Coordinator, the United States Department of Education's Office for Civil Rights, or both. The District's Title IX Coordinator is:
- Craig Holje, Chief Human Resources and Administrative Officer**
612-798-6031, craig.holje@rpsmn.org
401 70th St. W., Richfield, MN 55423
- 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 **richfieldschools.org/about/equity**.
- D. The District's nondiscrimination policy and grievance procedures can be located on the District's website as Policy 115: Title IX. Related policies include Policy 102: Harassment Prohibition and Policy 506: Student Sex Nondiscrimination.
- 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 the District that objectively can be understood as a request for the District 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 District 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 the District’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. “Pregnancy or related conditions” means:
 - 1. Pregnancy, childbirth, termination of pregnancy, or lactation;
 - 2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - 3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- H. “Program or activity” and “program” means all of the operations of the District.
- I. “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.

- J. “Remedies” means measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District’s education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person’s access to the District’s education program or activity after a determination that sex discrimination occurred.
- K. “Respondent” means a person who is alleged to have violated the District’s prohibition on sex discrimination.
- L. “Retaliation” means intimidation, threats, coercion, or discrimination against any person by the District, a student, or an employee or other person authorized by the District to provide aid, benefit, or service under the District’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.
- M. “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 the District to provide an aid, benefit, or service under the District’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 the District’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 the District's education program or activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the District'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 the District'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.

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

O. "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.

P. "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 the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- 2. Provide support during the District's grievance procedures or during the informal resolution process.

Q. "Title IX" means Title IX of the Education Amendments of 1972, as amended.

III. DESIGNATION OF TITLE IX COORDINATOR AND DESIGNEES

A. The District 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 the District 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 the District'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 the District 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, the District may report the alleged conduct to law enforcement authorities. The District encourages complainants to report criminal behavior to law enforcement immediately.

V. RETALIATION

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

process.

VI. GRIEVANCE PROCEDURE AND PROCESS

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

VII. TRAINING

The District will ensure that all staff members receive appropriate training related to their duties under Title IX promptly upon hiring or change of positions that alters their duties under Title IX or its regulations, and annually thereafter.

VIII. DISSEMINATION OF POLICY

- A. This policy will be made available to all students, parents/guardians of students, District employees, and employee unions.
- B. The District will post the name or title of the Title IX Coordinator, including office address, telephone number, and work email address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. Notice of Nondiscrimination
 1. The District will provide notice of nondiscrimination to applicants for admission and employment, students, parents, guardians, or other authorized legal representatives of elementary and secondary school students, employees, and all unions holding collective bargaining agreements with the school district.
 2. The District will prominently include its notice of nondiscrimination on its website and in each handbook, catalog, announcement, bulletin, and application form that it makes available to people entitled to notice, or which are otherwise used in connection with the recruitment of students or employees.
 3. Contents of Notice of Nondiscrimination

The full notice of nondiscrimination is as follows: "Richfield Public Schools 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 and its regulations, including and

employment. Inquiries about the application of Title IX and its regulations may be referred to the District's Title IX Coordinator, the federal Office for Civil Rights, or both. 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: Craig Holje, 612-798-6031, craig.holje@rpsmn.org, 401 70th St. W., Richfield, MN 55423. The District's Title IX policy and grievance procedures can be located at richfieldschools.org as Policy 115."

If necessary, due to the format or size of any publication, the District may instead include the following statement: "Richfield Public Schools prohibits sex discrimination in any education program or activity that it operates. Individuals may direct concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at richfieldschools.org/equity."

The District may incorporate the required notice into a broader statement of the RPS commitment to equity, inclusion and non-discrimination, as long as the minimum components are included.

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:

Policy 102: Equal Educational Opportunity
Policy 103: Harassment Prohibition Policy
Policy 113: Bullying Prohibition Policy
Policy 402: Equal Employment Opportunity
Policy 506: Student Sex Nondiscrimination
Policy 541: Student Behavior
Policy 586: Gender Inclusion

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