

ASPEN ACADEMY

Adopted:

Revised: March 22, 2016, May 16, 2017, April 16, 2019

Reviewed: April 2018, March 2020

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

II. GENERAL STATEMENT OF POLICY

- A. The school 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 on the basis of sex.
- B. It is the responsibility of every school employee to comply with this policy.
- C. The school board hereby designates the Director or designee as its Title IX coordinator. This employee coordinates the school'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 may be referred to the Assistant Secretary for Civil Rights of the United States Department of Education. If the complaint involves the Director, the complaint should be referred to the Board.

III. REPORTING GRIEVANCE PROCEDURES

- A. Any student who believes he or she has been the victim of unlawful sex discrimination by a teacher, administrator or other school 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 school official designated by this policy or may file a grievance. The school encourages the reporting party or complainant to use the report form available from the Director or available from the school office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting unlawful sex discrimination toward a student directly to a school human rights officer or to the Director.
- B. The Director or designee is the person responsible for receiving oral or written reports or grievances of unlawful sex discrimination toward a student. Any adult school personnel who receives a report of unlawful sex discrimination toward a student shall inform the Director immediately.
- C. Upon receipt of a report or grievance, the Director or designee must be notified immediately, without screening or investigating the report. The Director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the Director or the designee. If the report was given verbally, the Director or designee shall personally reduce it to written form within 24 hours. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the Director. If the complaint involves the Director, the complaint shall be made or filed directly with the board or the designee by the reporting party or complainant.
- D. The school board hereby designates the Director or other designee to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the designee, the complaint shall be filed directly with the Director.
- E. The school shall post the name of the Title IX coordinator or designee, including office mailing addresses and telephone numbers.
- F. 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.

- G. Use of formal reporting forms is not mandatory.
- H. The school 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'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, the Director or designee, 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 officials or by a third party designated by the school.
- 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 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 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.
- E. The investigation will be completed as soon as practicable. A written report shall be made to the Director upon completion of the investigation. If the complaint involves the Director, 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 ACTION

- A. Upon conclusion of the investigation and receipt of a report, the school will take appropriate action. Such action may include, but is not limited to, warning,

suspension, exclusion, expulsion, transfer, remediation, or termination of employment. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school policies.

- B. The result of the school's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school in accordance with state and federal law regarding data or records privacy.

VI. NO REPRISAL

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

VIII. DISSEMINATION OF POLICY AND EVALUATION

- A. This policy shall be made available to all students, parents/guardians of students, staff members and organizations on the school's website.
- B. The school shall review this policy and the school's operation for compliance with state and federal laws prohibiting discrimination annually.