

*Adopted: November 23, 2015*

*Revised: September 19, 2022*

## **AGAMIM CLASSICAL ACADEMY POLICY** *Students, No. 509*

### **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 board designates the executive director as the 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.

E. The board designates the executive director as the school human rights officer to receive reports or complaints of unlawful sex discrimination toward a student. If the complaint involves a human rights officer, the complaint shall be filed directly with the board chair.

#### **III. REPORTING 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 should report (or may file a complaint regarding) the alleged acts immediately to the executive director or to the board chair if the incident involves the executive director. Additionally, any person with knowledge or belief of conduct which may constitute unlawful sex discrimination toward a student also should report (or may file a complaint regarding) the alleged acts immediately to the executive director or to the board chair if the incident involves the executive director. The school encourages the reporting party or complainant to use the report form available from the principal 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 board chair.

B. The executive director as human rights officer is the person responsible for receiving oral and written reports or complaints of unlawful sex discrimination toward a student at the building level. Any adult school personnel who receive a report of unlawful sex discrimination toward a student shall inform the executive director immediately or the board chair if the incident involves the executive director. Failure of adult school personnel to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the staff member.

C. The executive director as human rights officer may request, but may not insist upon, a written complaint. If the report was given verbally, the executive director shall create a written document of the report.

D. The school shall conspicuously post the name of the Title IX coordinator and human rights officer(s), including office mailing addresses and telephone numbers.

E. Submission of a good faith complaint or report of unlawful sex discrimination toward a student will not affect the complainant or reporter's future employment, grades, or work assignments.

F. Use of formal reporting forms is not mandatory.

G. 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 board, the human rights officer, upon receipt of a report or complaint 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. The human rights officer shall make a written report to the board chair upon completion of the investigation. If the complaint involves the human rights office, the report may be filed directly with the board chair. 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, termination or discharge. School action taken for violation of this policy will be consistent with requirements of applicable 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. 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, and staff members.
- B. The school shall review this policy and the school's operation for compliance with state and federal laws prohibiting discrimination on a continuous basis.

### ***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)

### ***Cross References:***

Policy 506: Bullying Prevention and Response  
Policy 508: Student Parental, Family, and Marital Status Nondiscrimination

**Form Used for Policies 401, 402, 506, 507, 508, 509, 521**

**DISCRIMINATION, HARASSMENT, BULLYING, HAZING AND VIOLENCE REPORT FORM**

Agamim Classical Academy maintains policies prohibiting discrimination, harassment, bullying, hazing, and violence. These policies can be found on the Agamim website or obtained from the main office. All persons are to be treated with respect and dignity. Please use this form to report incidents of discrimination, harassment, bullying, hazing or violence.

Person completing report: \_\_\_\_\_

Home address: \_\_\_\_\_

Work address: \_\_\_\_\_

Home phone: \_\_\_\_\_

Work phone: \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_

Basis of Alleged Harassment/Violence - circle as appropriate:

- *race \ color \ creed \ religion \ sex \ national origin \ gender \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability*

Name of person(s) you believe harassed, bullied, or was violent toward you or another person.

\_\_\_\_\_

If the alleged harassment or violence was toward another person(s), identify that person(s).

\_\_\_\_\_

Where and when did the incident(s) occur? Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (e.g. threats, requests, demands); what, if any, physical contact was involved; or other relevant information.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Attach additional pages if necessary.**

List any witnesses to the incident(s).

\_\_\_\_\_

My signature below shows that the information I have provided in this document is true, correct, and complete to the best of my knowledge and belief.

Signature: \_\_\_\_\_

Date \_\_\_\_\_

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

Date \_\_\_\_\_

*\*\*Please submit this form to the Head of School or designee as indicated by the applicable Agamim policy(ies).*