

Adopted: 8/31/99

TITLE IX NON-DISCRIMINATION POLICY

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 district 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 school district employee to comply with this policy.

C. Any student, parent or guardian having questions regarding this policy should discuss it with the appropriate school district official provided by policy. In the absence of a specific designee, an inquiry or complaint should be referred to the Assistant to the Superintendent.

III. REPORTING GRIEVANCE PROCEDURES

A. The school board hereby designates the Superintendent or designee as the school district Title IX coordinator and authorizes the coordinator to receive reports, complaints or grievances of unlawful sex discrimination toward a student. If the complaint involves the Title IX coordinator, the complaint shall be filed directly with the Assistant to the Superintendent.

B. The school district shall conspicuously post the name of the Title IX coordinator, including mailing address and telephone number. 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 school district official designated by this policy or may file a grievance.

C. 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, 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 the school district Title IX coordinator or to the Assistant to the Superintendent.

D. In each school building the principal 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 as soon as possible.

E. Upon receipt of a report or grievance, the principal must notify the school district Title IX coordinator and the student's parent or guardian as soon as possible, 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 practicable by the principal to the school district Title IX coordinator and the student's parent or guardian. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the school district Title IX coordinator. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against any district employee. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the school district Title IX coordinator by the reporting party or complainant.

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

G. 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 Title IX coordinator, 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.

E. Investigation should be completed as soon as possible. The school district Title IX coordinator may make a written report. If the complaint involves the Superintendent, the report may be filed directly with the school board. The report shall include a summary of facts and a determination of whether the allegations have been substantiated.

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 should be reported in writing to the complainant by the school district in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

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.

Legal References: Minn. Stat. Ch. 363 (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)

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