

FIT Academy

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 FIT Academy (FIT) 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 FIT on the basis of sex.
- B.** It is the responsibility of every FIT employee to comply with this policy.
- C.** The FIT Board of Directors (BOD) hereby designates the FIT Superintendent as its Title IX coordinator, unless otherwise specified. This employee coordinates FIT'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 who is also the Superintendent. In absence of the Superintendent, the principal may act as 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. In the absence of a specific designee, an inquiry or complaint should be referred to the Superintendent.

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 FIT 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 FIT official designated by this policy or may file a grievance. FIT encourages the reporting party or complainant to use the report form available from the FIT 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 Superintendent or to FIT's human rights officer (if different).

- B.** The Superintendent 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 FIT personnel who receives a report of unlawful sex discrimination toward a student shall inform the Superintendent immediately.
- C.** Upon receipt of a report or grievance, the receiving party must notify FIT's human rights officer immediately, without screening or investigating the report. The human rights officer may request, but may not insist upon, a written complaint. If FIT has a human rights officer who is not the Superintendent, a written statement of the facts alleged will be forwarded as soon as practicable by the Superintendent to the human rights officer. If the report was given verbally, the Superintendent shall personally reduce it to written form within 24 hours (and forward it to the human rights officer if there is one. Failure to forward any report or complaint of unlawful sex discrimination toward a student as provided herein may result in disciplinary action against the Superintendent.) If the complaint involves the Superintendent, the complaint shall be made or filed directly with the BOD by the reporting party or complainant.
- D.** The BOD hereby designates the Superintendent as FIT's human rights officer to receive reports, complaints or grievances of unlawful sex discrimination toward a student, unless another person is specified as FIT's human rights officer. If the complaint involves the Superintendent, the complaint shall be filed directly with the BOD.
- E.** FIT shall conspicuously post the name of the Title IX coordinator and human rights officer, if different from the Superintendent, 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.** FIT 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 FIT'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 BOD, the Superintendent (or human rights officer, if different), 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 FIT officials or by a third party designated by the BOD.
- 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, FIT 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, FIT 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 Superintendent (or the human rights officer if different from the Superintendent) shall make a written report upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the BOD. 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. FIT ACADEMY ACTION

- A. Upon conclusion of the investigation and receipt of a report, FIT will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. FIT action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and FIT policies.
- B. The result of FIT's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the FIT in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

FIT 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, employee unions and organizations.
- B. The BOD shall review this policy and FIT'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. 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)

Cross References: FIT Policy 102 (Equal Educational Opportunity)
FIT Policy 413 (Harassment and Violence)
FIT Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)