

Augsburg Fairview Academy

Independent School District # 4111

2010-2011

**Policies Related to Assurance of Compliance with
State and Federal Law Prohibiting Discrimination**

Revised: October 25, 2010

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Minneapolis, MN 55404
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Equal Opportunity Statement

It is the policy of the Augsburg Fairview Academy to provide equal educational opportunities to all persons regardless of race, color, creed, religion, national origin, gender, age, marital status, pregnancy or parenthood status, and status with regard to public assistance or disability, except when gender and non-disability may be a *bona fide* consideration.

Policy Prohibiting Discrimination

It is the policy of the Augsburg Fairview Academy to comply with applicable federal and state laws prohibiting discrimination to the end that no person protected by such law shall, on the grounds of race, color, national origin, creed, religion, gender, marital status, sexual orientation, status with regard to public assistance, age, or disability (hereinafter “protected class status”) be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination under any educational program or in employment, or recruitment, consideration, or selection, therefore full time or part time under any education program or activity operated by the district.

Any student of the Augsburg Fairview Academy who feels that he/she has been discriminated against in violation of this non-discrimination policy may file a written grievance with Dr. William Spira, the Academy’s Executive Director. Any employee or other individual who feels he/she has been discriminated against on the basis of protected class status may file a grievance with the Academy’s Executive Director. If the Executive Director is a witness to, or otherwise involved in, the alleged discrimination, the complaint should be filed with, Dr. Anne Kaufman, the President and Chair of the AFA Board of Directors.

Harassment and Violence Policy

It is the policy of Augsburg Fairview Academy to maintain a learning and working environment that is free from harassment on the basis of protected class status (see discrimination above) or for any other reason. Harassment constitutes any action that creates a hostile or offensive educational or work environment.

It shall be a violation of this policy for any student or staff member of Augsburg Fairview Academy to harass or inflict violence upon a student or staff member either through conduct or through communication (intentions of violence or harassment either implied or implicit) as defined by this policy. This includes:

- Verbal assaults and verbally abusive behavior including, but not limited to, use of language that is discriminatory, abusive, obscene, threatening, intimidating or that degrades other people;
- Inappropriate, abusive, threatening, or demeaning actions based on race, color, creed, religion, gender, marital status, status with regard to public assistance, disability, national origin or sexual orientation;
- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature; and
- Similar actions based on any other condition or perceived condition of another person.

Augsburg Fairview Academy will investigate all complaints of harassment. Staff members are required to report any known or suspected harassment of or violence towards any student. Students and staff are strongly encouraged to file a complaint when they believe an action or actions constitute a case of harassment.

- Complaints concerning possible harassment by students should be addressed in written form to Ms. Lori Walz, the Academy's Student and Family Support Coordinator.
- Complaints concerning possible harassment by staff should be addressed in written form to Dr. William Spira, the Academy's Executive Director.

Augsburg Fairview Academy will not allow any form of harassment and violence to take place without taking the following steps to end the problem and heal the damage already caused:

- A student or staff member who is identified as the target of harassing behavior will receive immediate attention and support focused on protecting the individual from possible emotional, psychological, or physical trauma resulting from the harassment.
- A student or staff member who is identified as engaging in harassing behavior will receive immediate attention and support focused on helping the individual to understand the causes of such behavior and to work to modify or eliminate them.
- A student or staff member who is identified as engaging in harassing behavior will also be warned that flagrant or extreme forms of harassment or any form of violence may be considered a criminal offense under existing law and that, in

- such case, Augsburg Fairview Academy will notify the proper authorities and provide them with any and all support needed to bring the matter to justice.
- A staff member who continues to engage in harassing behavior after Augsburg Fairview Academy has intervened will be subject to due process proceedings leading, ultimately, to termination of employment.

Weapons Policy

No student or non-student, including adults and visitors, shall possess, use, or distribute a weapon when in a school location or direct vicinity. A weapon means any object, device or instrument that is designed primarily as a weapon or which is used in a manner that threatens or produces bodily harm, including inflicting self-injury. This definition also encompasses ammunition including, but not limited to, bullets or other projectiles designed to be used in or as a weapon, and explosives or any compound or mixture, the primary or common purpose of intended use of which is to function by explosion.

This policy is not meant to interfere with instruction or the possession and use of appropriate equipment and tools by students. Such tools, including knives with a blade no longer than 2-1/2", when properly possessed, used, and stored, shall not be considered in violation of the rule against the possession, use or distribution of weapons by students.

Any weapon discovered on school grounds will be confiscated. Students who possess, use or distribute a weapon may be subject to immediate notification of parent/guardian and notification of police. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis.

While Augsburg Fairview Academy, in recognition of the seriousness of the offense, will notify the proper law enforcement official when a relevant law appears to have been broken, the school will also take into account mitigating circumstances in considering approaches to hold the student accountable for his/her behavior.

Policy Regarding Searches

Pursuant to Minnesota statute, desks, lockers, and storage units are the property of the school. At no time does the school relinquish its exclusive control of desks, lockers, and storage units provided for the convenience of students. Staff members may, for any reason, inspect the interior of these items at any time, without notice, without student or parent consent, and without a search warrant.

The personal possessions of students including, but not limited to, purses, backpacks, book bags, packages or clothing may be searched only when a staff member has a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.

As soon as practicable after the search of a student's personal possessions, school authorities will provide notice of the search to students whose items were searched unless disclosure would impede an ongoing investigation by police or Augsburg Academy staff. Parents/Guardians will be notified of the search either prior to or after the search at the discretion of the Executive Director.

Hazing Policy

“Hazing” means committing an act against a student, or coercing a student to commit an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:

- Any type of physical brutality such as whipping, beating, striking, branding, electric shocking, or placing a harmful substance on the body.
- Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
- Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation that adversely affects the mental health or dignity of the student or discourages the student from remaining in the school.
- Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

Any person who believes that he or she has been a victim of hazing, or any person with knowledge or belief of conduct which may constitute hazing, shall report the alleged acts immediately to Dr. William Spira, Augsburg Fairview Academy's Executive Director.

Upon receipt of a complaint or report of hazing, Augsburg Fairview Academy shall investigate the report and take proper action in accordance with the steps described above for responding to incidents of harassment or violence.

Augsburg Fairview Academy will take appropriate action against any student, teacher, administrator, volunteer, contractor, or any other employee who retaliates against any person who makes a report of alleged hazing or testifies, assists, or participates in an investigation or hearing related to such hazing

Student Disability Nondiscrimination

[Federal Section 504]

Purpose

The purpose of this policy is to protect disabled students from discrimination on the basis of disability and to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

General Statement of Policy

Disabled students are protected from discrimination on the basis of a disability.

It is the responsibility of the school district to identify and evaluate learners who, within the intent of Section 504 of the Rehabilitation Act of 1973, need special services, accommodations, or programs in order that such learners may receive a free appropriate public education.

For this policy, a learner who is protected under Section 504 is one who:

- has a physical or mental impairment that substantially limits one or more major life activities, including learning; or
- has a record of such impairment; or
- is regarded as having such impairment.

Learners may be protected from disability discrimination and be eligible for services, accommodations, or programs under the provisions of Section 504 even though they are not eligible for special education pursuant to the Individuals with Disabilities Education Act.

Coordinator

Persons who have questions, comments, or complaints should contact Mr. Ron Bentley, the Academy's Special Education Teacher, regarding grievances or hearing requests regarding disability issues. This person is Augsburg Fairview Academy's ADA/504 Coordinator.

Legal References: 29 U.S.C. § 794 *et seq.* (§ 504 of Rehabilitation Act of 1973)
34 C.F.R. Part 104 (Implementing Regulations)

Student Sex Nondiscrimination

[Federal Title IX Requirements]

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.

General Statement of Policy

Augsburg Fairview Academy 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.

It is the responsibility of every Academy employee to comply with this policy.

Under Federal law, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature may rise to the level of sex discrimination under Federal Title IX if it is sufficiently severe, persistent, or pervasive that it adversely affects a student's education or creates a hostile or abusive educational environment. A one-time incident may rise to the level of harassment if it is particularly severe or egregious. For purposes of this policy, the age and maturity of the students involved, as well as a consideration of whether students welcomed the conduct, shall be considered in determining the severity, persistence, and pervasiveness of the conduct.

Dr. William Spira, Augsburg Fairview Academy's Executive Director is designated as its Title IX coordinator and human rights officer, with authority and responsibility for coordinating the school's efforts to comply with and carry out its responsibilities under Title IX.

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.

Reporting Grievance Procedures

Any student who believes he or she has 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 the Title IX coordinator. The school

encourages the reporting party or complainant to use the report form available from the Title IX coordinator, but oral reports shall be considered complaints as well.

Any adult school personnel who receives a report of unlawful sex discrimination toward a student shall inform the Title IX coordinator immediately. The Title IX coordinator shall prepare a written statement of the facts alleged as soon as practicable. If the report was given verbally, the Title IX coordinator shall personally reduce it to written form within 24 hours. If the complaint involves the Title IX coordinator, complaint shall be made or filed directly with the School Board President and Chair.

The school district shall conspicuously post the name of the Title IX coordinator/human rights officer on its website, including office mailing addresses and telephone numbers.

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. Use of formal reporting forms is not mandatory.

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 district's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

Investigation

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 district.

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.

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.

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.

The investigation will be completed as soon as practicable and the persons delegated to carry it out shall make a written report upon completion of the investigation. 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.

School Action

Upon conclusion of the investigation and receipt of a report, the school will take appropriate action. School action taken for violation of this policy will be consistent with requirements of applicable Minnesota and federal law and school policies.

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.

Retaliation

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. The school will take appropriate action whenever any staff member or student 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.

Right to Alternative Complaint Procedure

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.

Dissemination of Policy and Evaluation

This policy shall be made available on the Academy's website to all students, parents/guardians of students, staff members and interested others.

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. 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)