

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

JANE DOE, et al.,)
)
Plaintiffs,)

and)

UNITED STATES OF AMERICA,)
)
Plaintiff-Intervenor,)

v.)

NO. 11-cv-01999-JNE-SER

ANOKA-HENNEPIN SCHOOL)
DISTRICT NO. 11, et al.,)
)
Defendant.)

and)

COMPLAINT-IN-INTERVENTION
JURY DEMAND

E.R., by her next friend and parent,)
Quana Hollie;)
)
Plaintiff,)

and)

UNITED STATES OF AMERICA,)
)
Plaintiff-Intervenor,)

v.)

NO. 11-cv-02282-JNE-SER

ANOKA-HENNEPIN SCHOOL)
DISTRICT NO. 11, et al.,)
)
Defendants.)

The United States of America, Plaintiff-Intervenor, hereby alleges:

1. The United States files this complaint-in-intervention against the Anoka-Hennepin School District No. 11 and the Anoka-Hennepin School Board (collectively “the District” or “District Defendants”) to remedy and enjoin discrimination on the basis of sex¹ in District schools in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c–2000c-9 (“Title IV”), and Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688 (“Title IX”).

JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1345, and 20 U.S.C. § 1708.

3. The United States is authorized to intervene in this action pursuant to Fed. R. Civ. P. 24(a) and 24(b).

¹ The following definitions apply to the terms that are related to discrimination on the basis of sex in this Complaint:

- “Harassment” includes the use of derogatory language, intimidation, and threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, electronic postings and/or phone messages related to a person’s membership in a protected class.
- “Sex-based harassment” includes both sexual harassment and gender-based harassment. “Sexual harassment” means harassment of a sexual nature.
- “Gender-based harassment” means non-sexual harassment of a person because of the person’s sex, including harassment based upon gender identity and expression. Gender-based harassment includes, but is not limited to, harassment based on the person’s nonconformity with gender stereotypes, regardless of the actual or perceived sex, gender identity, or sexual orientation of the harasser or target of the harassment.
- “Gender stereotypes” refers to stereotypical notions of masculinity and femininity or expectations of how boys or girls should act.

4. The Assistant Attorney General for the Civil Rights Division of the United States Department of Justice, on delegation from the Attorney General, has certified that all pre-filing requirements specified in 42 U.S.C. § 2000c-6(a) have been met. The Certificate of the Assistant Attorney General is appended to this Complaint as Attachment A and is incorporated herein.

5. Venue in the District of Minnesota is proper pursuant to 28 U.S.C. § 1391(b) because the District defendants are located within the District of Minnesota and the claims alleged in this complaint arose within this judicial district.

DEFENDANTS

6. The District Defendants are legally responsible, in whole or in part, for the operation of all of the schools in the District, and for the conditions therein.

7. The District Defendants are organized, and exist pursuant to the laws of the State of Minnesota, Minn. Stat. §§ 123A.55–123A.79, 123B.02, 123B.09, and are responsible for the administration of educational services for all students enrolled in the District, Minn. Stat. §§ 123B.02, 123B.09, 123B.25(a), and as such are subject to the prohibitions of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

8. Defendant Anoka-Hennepin School District No. 11 can be sued “for an injury to the rights of the plaintiff arising from some act or omission of [the school] board.” Minn. Stat. § 123B.25(a).

9. Defendant Anoka-Hennepin School Board is the legal entity charged with defending law suits against the District. *See* Minn. Stat. § 123B.02.

10. District Defendants administer the Anoka-Hennepin public schools and are therefore subject to Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c–2000c-9.

11. Defendant Anoka-Hennepin School District No. 11 is a recipient of federal financial assistance and is therefore subject to Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688, and its implementing regulations, 34 C.F.R. §§ 106.1–106.71.

PROCEDURAL BACKGROUND

12. In November 2010, the United States Department of Justice (“DOJ”) received a signed, written complaint claiming that a student in the District was harassed by other students on a daily basis due to the student’s nonconformity to gender stereotypes and that the District did not address the harassment adequately. Upon receiving the complaint, the DOJ opened an investigation of sex-based harassment in the District pursuant to its Title IV authority.

13. The United States Department of Education, through its Office for Civil Rights (“OCR”), joined the investigation pursuant to its Title IX authority. OCR is the office within the Department of Education responsible for administratively enforcing Title IX, which prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance.

14. The DOJ and OCR (collectively, the “United States”) conducted an investigation into allegations of sex-based harassment in the District. As numerous additional allegations of sex-based harassment within the District arose, the scope of the

investigation grew to encompass all the middle and high schools in the District. The investigation included multiple visits to the District; interviews of over 60 individuals, including current and former students, parents, teachers, and District staff and administrators; and the review of over 7,000 pages of documents from the District.

15. Plaintiff Jane Doe and plaintiffs K.R., D.F., B.G., D.M.-B., and E.R., by and through their next friends and parents, (collectively “Student Plaintiffs”) filed complaints in federal court on July 21, 2011 and August 9, 2011, alleging claims of peer-on-peer harassment and discrimination on the basis of sex and sexual orientation in the Anoka-Hennepin School District under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Title IX of the Education Amendments of 1972, and the Minnesota Human Rights Act, Minn. Stat. §§ 363A.13–363A.14 (“MHRA”). *See* Complaint, Jane Doe v. Anoka-Hennepin Sch. Dist. No. 11, No. 11-cv-01999-JNE-SER (D. Minn. July 21, 2011), Docket No. 1; Complaint, E.R. *ex rel.* Hollie v. Anoka-Hennepin Sch. Dist. No. 11, No. 11-cv-02282-JNE-SER (D. Minn. Aug. 9, 2011), Docket No. 1.

ALLEGATIONS

16. The United States alleges that the District defendants violated the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Title IV of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972 and its implementing regulations. During the course of the investigation, the United States identified students who have been the targets of sex-based harassment. Upon information and belief, the following has occurred in the District to these students:

a. Student A is a former student in the District. He attended a District middle school from 2008 to 2011 and was harassed throughout this time period. His gender expression does not conform to male stereotypes both in dress and behavior. Instead, he dresses and engages in physical expressions that are stereotypically female. Because of his gender nonconformity, Student A was harassed by other students in his District school. Students in the District middle school told Student A, "You're a guy, act like it," and called him "so gay" and "fag," even though Student A has not identified his sexual orientation. Students spread false rumors about him, including rumors that that he is a pedophile and rapes his mother. Students threatened to kill him, pushed him, threw food at him, and called him names nearly every day for two years. Most of the harassment took place in the hallways, locker room, and lunchroom.

Student A and his parents reported the harassment to assistant principals and the principal at the school as frequently as once a week. In response to these harassment reports, the District discouraged Student A from engaging in gender nonconforming behavior and implemented measures that isolated Student A and failed to stop the harassment. Student A indicated that, for example, one assistant principal told Student A's parents to prohibit him from wearing feminine clothing to school. Some staff members took away Student A's feminine clothing and, in reference to his singing, told him, "Boys don't do that." In addition, the school assigned Student A an escort to his classes and had him change for physical education in the assistant principal's office. However, having an escort isolated Student A and made him feel as if he was being punished.

Although Student A continues to reside within the District's boundaries, his parents transferred him to another school district in 2011 because the harassment persisted. The District knew that the measures it took to address the harassment were inadequate because, until his parents removed him from the District, Student A and his parents continued to report the harassment to school administrators. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student A experienced denied him the ability to participate in or benefit from the educational program in the District.

b. Student B is a current high-school student in the District. He attended a District middle school from 2008 to 2011 and was harassed throughout this time period. He identifies as straight and participates in a sport that his peers view as a feminine activity. Because of his gender nonconformity, Student B was harassed by other students in his District school. Students in the District middle school told Student B that he participates in "a girl's sport," and "If a boy is in a girl's sport, then he must be gay." They also said, "Why don't you join a real sport like football?" He has been called "gay boy," "homo," and "fag" because of his gender nonconformity. Students have pushed him up against a wall and forcibly restrained him. Students have harassed him with language of a sexual nature such as, "Your dads are gay, so you're going to be gay. Why don't you just go and suck their cocks now?"

Student B and his parents have reported the harassment to his teachers, counselors, assistant principals, principal, a school board member, the Superintendent, and other District staff. According to Student B's parents, one school administrator told them that

the school does not have the resources, tools, or authority to proactively educate and train students and teachers about this type of harassment in order to prevent harassment from recurring. The District's response to this harassment was to inform Student B to make a hand signal to a hallway camera when he is harassed so that he could flag the incident for administrators when they reviewed the video tape, and to leave each of his classes a few minutes early in an attempt to avoid the students harassing him. Because Student B had to leave class early in an attempt to avoid his harassers, he often did not receive homework assignments in a timely fashion and lost valuable educational time, thereby limiting his ability to participate in or benefit from the educational program in the District. These District responses required Student B to take action to avoid harassment, rather than requiring the students harassing Student B to stop the harassment. Moreover, the harassment continued in his classes, in the restrooms, and in the lunchroom. In addition, a student who was frequently sent to the hallway for disrupting class continued to harass Student B in the hallway. Student B's counselor began talking with him and his parents weekly, but the harassment continued. The District knew that the measures it took to address the harassment were inadequate because Student B and his parents continued to report to school administrators that students were harassing him.

Student B used to enjoy school, but now he no longer wants to go because he does not feel safe. He rarely got sick before the harassment began. But after he began experiencing harassment regularly, he had nightmares, difficulty sleeping, and recurring headaches nearly every day for several weeks. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its

effects. The harassment Student B experienced limited his ability to participate in or benefit from the educational program in the District.

c. Student C is a current high-school student in the District. She attended one District middle school from 2008 to 2010 and another District middle school from 2010 to 2011, and was harassed throughout this time period. Her gender expression does not conform to female stereotypes in either dress or behavior. She states that she does not dress in a “girly” way, has a low voice, and likes playing video games, which her peers have called a “boy’s activity.” Because of her gender nonconformity, Student C was harassed by other students in her first District school. At her first middle school, a student tripped her on the stairs and students called her “guy,” “fag,” and “transvestite” because of her gender nonconformity. Student C reported these incidents to the principal, whose response simply was to tell her to not let the comments bother her. Instead of attempting to stop the harassment and prevent it from recurring, the District permitted the harassment to continue. The harassment did continue, prompting, in part, Student C to transfer to another District middle school. The hostile environment that resulted in Student C’s transfer limited Student C’s ability to participate in or benefit from the educational program in the first District middle school.

Because of her gender nonconformity, Student C was also harassed by other students in the District at the second District middle school she attended. Students called her “guy” and “manly,” and one student told her that she should “go kill herself.” Students who Student C did not know tripped her in the hallway twice, pushed her into the lockers multiple times, and pushed her into a trash can once. Although the school

counselor talked to Student C at least once a week about the harassment she experienced and its effect on her self-esteem, the harassment continued unabated. Student C reported specific incidents of verbal and physical harassment to the counselor, but the counselor rarely asked Student C for the names of the students harassing her. Student C also reported the physical harassment to her assistant principal, who told Student C that she would put more adults in the hallway where the physical harassment occurred. However, Student C is unaware of any actions the District took in response to the harassment reports and the harassment continued unchecked. The District knew that the measures it took to address the harassment were inadequate because Student C continued to report that students were harassing her. As a result of the harassment she experienced, Student C's grades declined, her self-esteem plummeted, and she was hospitalized for suicidal thoughts. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student C experienced limited her ability to participate in or benefit from the educational program in the District.

d. Student D is a former student in the District. She attended a District middle school from 2010 to 2011 and a District high school in 2011, and was harassed throughout this time period. Her gender expression does not conform to female stereotypes in both her dress and mannerisms; for example, she wears masculine clothing. Because of her gender nonconformity, Student D was harassed by other students in her District school. Students in her District middle school called her "gay," "faggot," and "dyke" nearly every day in the hallway, in her math class, and when she was on the bus.

In the locker room, students called her “he/she,” “faggot,” and said, “What’s that boy doing here,” and “Boys aren’t supposed to be here.” Students bumped into her in the hallway and looked back at her and laughed. One male student punched her in the stomach and called her “he/she.” Student D said that there was often a teacher close by when students called her names, but only one teacher ever reprimanded a student, sending that student to the office for calling Student D names.

Student D and her mother reported the harassment to teachers, the principal, and an assistant principal. The school officials told Student D that they would talk to the other students who harassed her, but the same students continued to harass her after she reported them. The District knew that the measures it took to address the harassment were inadequate because Student D and her mother continued to report that students were harassing her. Student D stopped attending physical education, because she did not feel comfortable in the class. Because she skipped physical education to avoid harassment, she received lunch and after-school detention and a failing grade in the class. She also stayed home from school many days to avoid the harassment. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student D experienced limited her ability to participate in or benefit from the educational program in the District.

e. Student E is a former student in the District. He attended one District middle school from 2008 to 2010, another District middle school from 2010 to 2011, and a District high school during 2011, and was harassed throughout this time period. His gender expression does not conform to male stereotypes in both mannerisms and

interests. People who know him describe him as “feminine” and “flamboyant.” Because of his gender nonconformity, Student E was harassed by other students in his District schools. At the first District middle school he attended, students told him that he is a “wimp” because he is in theater, theater is not a sport, and that only girls are in theater. They also told him he has a vagina, he has “titties,” and they called him, “gay,” “fag,” “he/she,” and “girl.” Students called him these names multiple times a day. They threw objects at him and pushed him up against the lockers. This harassment caused Student E to cry at home regularly.

Student E and his parents reported the harassment to his teachers, counselor, assistant principal, and principal. He and his parents met with his assistant principal and counselor to discuss the harassment five or six times over the span of two school years. After each meeting, the administrators told Student E and his parents that they would address the harassment. But the school responded by transferring Student E to a different math class to avoid a student who was harassing him instead of transferring the student who was harassing Student E, thereby placing the burden on Student E instead of the harasser. In addition, after one incident where Student E was pushed against a locker, a school administrator told Student E that there was nothing the school could do because Student E could not identify the student who pushed him and the incident was not captured on camera. Although the District did discipline two students who harassed Student E (one was sent to the office several times, and one was suspended after throwing an object at Student E while calling him a “fag”), Student E continued to be harassed by so many other students that the list of harassers filled two pages. That list was given to

Student E's school counselor, with whom he met with weekly to discuss the harassment. Because the harassment continued, administrators told Student E and his parents that they did not want him in school because the environment was not safe for him. Student E left school as a result, missing approximately five days of school. He returned after the school said it had conducted a seminar for students about harassment and that it had improved the school environment. However, Student E continued to experience harassment when he returned to the school. The District knew that the measures it took to address the harassment were inadequate because Student E and his parents continued to report to school administrators that students were harassing him. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment that Student E experienced limited Student E's ability to participate in or benefit from the educational program in the District.

Student E transferred to another District middle school the following year. Because of his gender nonconformity, Student E was harassed by other students in the second District middle school he attended. Students called him "gay" and "fag." One student threatened to beat him up. That same student made sexual gestures towards Student E; the student put his hand around his mouth and made it look as if he was performing fellatio. Again, Student E and his parents reported the harassment to his teachers, counselor, and assistant principal. Although the school responded by talking to the student who made the verbal threat and the gesture and having Student E meet with his counselor once a week to discuss the harassment, students continued to harass Student E. The District knew that the measures it took to address the harassment were inadequate

because Student E and his parents continued to report that students were harassing him. Student E was scared to go to school and worried that the harassment was going to get worse when he started high school. Student E's parents withdrew him from the District and began homeschooling him after he experienced similar harassment in the high school. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student E experienced denied him the ability to participate in or benefit from the educational program in the District.

f. Student F is a former student in the District. He attended a District middle school from 2008 to 2011, and was harassed from 2009 to 2011. His gender expression does not conform to male stereotypes in both his dress and extracurricular activities and he identifies as straight. Because of his gender nonconformity, Student F was harassed by other students in his District school. Students said, "Your clothes look gay," "You're in dance, you must be gay," and "How big was it in your mouth last night?" Students tripped Student F and pushed him against a wall. After Student F and his parents reported these incidents to his assistant principal, the school contacted the parents of the students who were harassing Student F. The harassment decreased but it did not stop. The District knew or should have known that the measures it took to address the harassment were inadequate because the harassment continued. Student F transferred to another school district for high school, in part to avoid more harassment. The District failed to adequately and appropriately address the harassment in order to prevent its

recurrence and remedy its effects. The harassment Student F experienced denied him the ability to participate in or benefit from the educational program in the District.

g. Student G is a current high-school student in the District. He attended a different District high school during the 2009-2010 school year, and was harassed throughout this time period. He identifies as straight. At the first high school he attended, students began harassing him with unwelcome language of a sexual nature. They said, "Did you get butt-fucked last night?" and "Does your dad rape your friends when they sleep over?" Student G reported these comments to his assistant principal, who responded, "Boys will be boys and you just have to deal with it." The harassing comments continued, and the assistant principal's response deterred Student G from reporting again. Rather than address the harassment and attempt to stop its recurrence, the assistant principal's response permitted the harassment to continue and sent a message to Student G that his concerns were not taken seriously. The District knew or should have known that the harassment continued and its response was inadequate. Student G transferred to a different District high school the following school year to avoid additional harassment. Because of the District's failure to adequately address the harassment Student G experienced at the first school, Student G had to bear the burden of responding to the harassment by transferring to a different school. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student G experienced limited his ability to participate in or benefit from the educational program in the District.

h. Student H is a current District high-school student. He identifies as straight and his gender expression does not conform to male stereotypes in his dress. Because of his gender nonconformity, Student H is harassed by other students in his District school. Students call him “gay” and “fag” on a daily basis. Student H reported a student who sat next to him in one of his classes to their teacher for calling him “fag.” The teacher said she would talk to the student and move him, but initially took no such action. When Student H reported the student to the teacher a second time, the teacher spoke to the student who was harassing Student H, but did nothing further. That student threatened Student H in retaliation for reporting him. Student H worried that this student was going to beat him up. Students continued to call Student H “gay.” The District knew or should have known that the measures it took to address the harassment were inadequate because the harassment continued. The inadequacy of the District’s response discouraged Student H from making further reports regarding the continued harassment he experienced. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student H experienced limited his ability to participate in or benefit from the educational program in the District.

i. Student I is a former District student. He attended a middle school in the District from 2006 to 2009 and a District high school from 2009 to 2010, and was harassed throughout this time period. He was sexually harassed in his District middle school during spring 2009; two students grabbed his genitals when he was in the hallway and told him he liked it. Student I’s counselor saw him crying in the hallway after this incident and brought him to the counselor’s office to talk to him. The counselor also

talked to Student I's friend who told the counselor that Student I had been physically harassed. Student I continued to be harassed after this incident in both middle and high school. The District knew or should have known that the measures it took to address the harassment were inadequate because the harassment continued. Student I took his own life. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student I experienced denied him the ability to participate in or benefit from the educational program in the District.

j. Student J is a former District middle-school student. She attended a middle school in the District from 2008 to 2009 and was harassed throughout this time period. Her gender expression did not conform to female stereotypes in appearance. Because of her gender nonconformity, Student J was harassed by other students in her District school. Student J reported to her friends that other students called her "boy," shoved her up against a locker and called her a "dyke," and tried to shove her down a staircase while calling her a "faggot." She also told them that she had reported this to an assistant principal, who told her there was nothing he could do about it. The District knew or should have known that failing to address the harassment is an inadequate response. Student J took her own life. The District failed to adequately and appropriately address the harassment in order to prevent its recurrence and remedy its effects. The harassment Student J experienced denied her the ability to participate in or benefit from the educational program in the District.

17. Beginning in 2008, Students A–J were harassed on the basis of sex in District schools. The harassment the students experienced was sufficiently severe, pervasive, or persistent to deny or limit their ability to participate in or benefit from the educational program in the middle and high schools in the District. In addition, students who are not the targets of harassment hear harassing language on the basis of sex in District schools several times each school day. This sex-based harassment has created a hostile environment in the District.

18. The school and District officials with authority to address the sex-based harassment knew or should have known about the harassment Students A–J experienced. Students, parents, and District employees reported incidents of sex-based harassment to school and District officials. In addition to the notice enumerated with regard to Students A–J, District officials knew of other and widespread instances of sex-based harassment. During the 2009-2010 and 2010-2011 school years, high-ranking District officials met with students at each of the District middle and high schools, and students at every school reported sex-based harassment to these officials. At the meetings in many of the schools, students reported to these District officials that some teachers do not discipline students for verbally harassing other students on the basis of sex.

19. Often, District personnel ignored these sex-based harassment allegations. In some instances, District personnel did not respond at all to reports of harassment of students. In other instances, some District personnel told students that there was nothing they could do if the students could not identify the student(s) harassing them and some District personnel told students to ignore the harassment or deal with it on their own.

After most of the meetings referenced in paragraph 18, District officials failed to take any action to stop the harassment because, according to one District official, they did not hear anything out of the ordinary that would have prompted a response.

20. In those instances when the District did respond to reports of sex-based harassment, the District's response improperly placed the burden of stopping the harassment on the student being harassed. The District's response often involved changing the schedule or behavior of the student who was the target of the harassment. The District had some students who were targets of harassment have an escort in the hallways or leave all of their classes early so that they would not be in the hallways with other students. This stigmatized the students who were being harassed and isolated them from the educational environment. In addition, the District has explicitly discouraged some of the students who were harassed from engaging in gender non-conforming behavior so that they might avoid being harassed.

21. The District knew its responses to sex-based harassment were inadequate because the harassment continued and in certain instances escalated. This failure to respond adequately deterred some students from reporting or continuing to report harassment incidents and led to a continuation and exacerbation of the hostile environment in the District.

22. In addition, the District's policies and procedures do not adequately address and prevent sex-based harassment, and therefore contribute to the hostile environment. The District's policies and procedures do not include prohibitions against gender-based harassment. The District's policies and procedures fail to provide clear guidelines

regarding appropriate responses to sex-based harassment, including gender-based harassment. The District does not have an established policy or procedure for when to contact a student's parent(s)/guardian(s) if the District receives an oral report of student harassment. The District lacks a uniform procedure of tracking incidents of harassment. In addition, the District has not designated an employee who is responsible for coordinating the District's response to sex-based harassment, which is required by the Title IX regulations. *See* 34 C.F.R. § 106.8(a). Without these policies and procedures, the District lacks a consistent and effective approach to addressing sex-based harassment.

23. The implementation and interpretation of the District's policies and procedures by District personnel have contributed to the hostile environment. Some District personnel have failed to follow the District's policies and procedures by not investigating complaints of sex-based harassment of students. Other District personnel have interpreted the District's policies and procedures as prohibiting them from addressing sex-based harassment. The failure of District personnel to properly implement and interpret District policies and procedures has deterred many students from reporting or continuing to report harassment, thereby allowing some students to harass their peers without consequence. Therefore, these interpretations of the District's policies and procedures contribute to the hostile environment by allowing sex-based harassment to go unchecked.

24. In sum, students in the District experienced and reported verbal and physical sex-based harassment because of their gender nonconformity. Male students in the District report that they are called pejorative words such as "girl," "he-she," "fag," or

“gay” on a daily basis because of their failure to conform to male stereotypes. Likewise, female students report being called pejorative words such as “manly,” “guy,” or “he-she” regularly because of their failure to conform to female stereotypes. In addition, District students have faced death threats and other threats to their physical safety because of their gender nonconformity. Furthermore, students have also regularly experienced physical, verbal, and non-verbal conduct that constitutes sexual harassment. The District knew or should have known about the sex-based harassment and either failed to respond at all or failed to respond appropriately and adequately to the harassment and prevent its recurrence.

25. Based on this evidence, a hostile environment based on sex exists in the Anoka-Hennepin School District, the District knew or should have known about the hostile environment, and the District has failed to address it.

CLAIMS FOR RELIEF

26. The United States realleges and herein incorporates by reference the allegations set forth in paragraphs 12–25 above.

27. Students in the District’s middle and high schools, including but not limited to Students A–J, have been harassed by their peers with derogatory language, threats, and physical assaults because of their nonconformity to gender stereotypes and/or sexually harassed by their peers. Sex-based harassment in the District is severe, pervasive, or persistent, and has denied or limited students’ abilities to participate in or benefit from the District’s educational program. In some instances, the District should have known of the harassment but failed to investigate, address, and/or stop the harassment. In most

instances involving Students A-J, students and their parents have reported sex-based harassment to school and District officials. District officials clearly knew of the harassment but the District either took no action or its response was inadequate. The harassment continued and in many instances escalated.

28. A hostile environment exists in the District, and the District's existing policies and procedures have contributed to the hostile environment.

29. The District's failure to appropriately and adequately address sex-based harassment violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c–2000c-9, and Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681–1688.

30. Unless enjoined by this court, the District will continue to violate the Equal Protection Clause, Title IV, and Title IX.

31. The United States seeks intervention in this lawsuit to obtain relief to ensure that the District will operate a school system that provides an educational environment that is free of sex-based harassment for its students and is in compliance with federal law.

PRAYER FOR RELIEF

WHEREFORE, the United States respectfully requests that this Court:

1. Declare that the District defendants have denied Students A–J and other students who have been subjected to sex-based harassment and a hostile environment the equal protection of the laws in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;

2. Declare that the District defendants have discriminated on the basis of sex by failing to prevent, address, and remedy sex-based harassment and the hostile environment within the District, and in so doing failed to provide the benefits of its educational activities and services to Students A–J and other students in violation of the Equal Protection Clause of the Fourteenth Amendment, Title IV of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000c–2000c-9, and Title IX of the Education Amendments of 1972, 20 U. S. C. §§ 1681–1688;

3. Permanently enjoin the District, its officers, agents, employees, successors, assigns, and all persons in active concert or participation with the District from all unlawful discrimination against students on the basis of sex;

4. Order the District defendants to develop, adopt, and timely implement a comprehensive plan that will ensure a safe and secure environment free from sex-based harassment for all students in District schools; and

5. Grant such additional relief as the needs of justice may require.

JURY DEMAND

The United States hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

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