



525.1 HARASSMENT AND VIOLENCE

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from disability, religious, racial, sexual and other forms of harassment and violence. The school district prohibits any form of disability, religious, racial, sexual and other forms of harassment and violence.

II. GENERAL STATEMENT OF POLICY

- A. The school district is committed to having a school environment free from harassment and violence. The procedures in this policy apply to complaints of harassment or violence made by school district employees, pupils and any other third party.
- B. The school district prohibits harassment and violence on school premises as defined by this policy.
- C. Students are encouraged to immediately report all instances of harassment or violence.
- D. All employees, including faculty, staff, administrators and coaches, are required to promptly report incidences of harassment or violence. It is recommended that district employees who observe acts of harassment or violence intervene to stop the conduct unless circumstances would make such intervention dangerous.
- E. The school district will promptly investigate formal and informal complaints of harassment or violence. The school district will respond to each complaint and the results of its investigation as it deems appropriate under the circumstances.
- F. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school district to harass a pupil, teacher, administrator, or other school personnel through conduct (e.g., physical, verbal, graphic or written) that is based upon an individual's actual or perceived race, color, creed, national origin, religion, sex, gender, sexual orientation, including gender identity and expression, disability, status with regard to public assistance, marital status or age. For purposes of this policy, school personnel includes School Board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.

- G. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school district to inflict, threaten to inflict, or attempt to inflict violence based upon an individual's actual or perceived race, color, creed, national origin, religion, sex, gender, sexual orientation, disability, status with regard to public assistance, marital status or age.

A. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.
2. Sexual harassment may include but is not limited to:
 - a. unwelcome verbal harassment or abuse;
 - b. unwelcome pressure for sexual activity;
 - c. unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - f. unwelcome behavior or words directed at an individual because of gender.

B. Racial Harassment; Definition

Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

C. Religious Harassment; Definition

Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

D. Disability Harassment; Definition

Disability harassment consists of physical or verbal conduct which is related to an individual's actual or perceived disability when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
3. otherwise adversely affects an individual's employment or academic opportunities.

E. Sexual Violence; Definition

Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.

1. Sexual violence may include, but is not limited to:
 - a) touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
 - b) coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
 - c) coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - d) threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

F. Racial Violence; Definition

Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

G. Religious Violence; Definition

Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

H. Disability Violence; Definition

Disability violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to a person's actual or perceived disability.

I. Assault; Definition

Assault is:

1. an act done with intent to cause fear in another of immediate bodily harm or death;

2. the intentional infliction of or attempt to inflict bodily harm upon another; or
3. the threat to do bodily harm to another with present ability to carry out the threat.

J. On School Premises; Definition

On school premises means all school district buildings, school grounds, school property (leased or owned), property immediately adjacent to school grounds, including the area of entrance or departure from school grounds, premises and events; school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes; and all school-related functions, school-sponsored activities, events, or trips. Depending on the circumstances, school district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting harassment and violence at these locations and events, this policy shall not be construed as a representation that the school district will provide supervision at all of the locations and events outlined in this paragraph or assume liability for incidents that occur at these locations and events.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of harassment or violence by a pupil, teacher, administrator or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to the principal of the building at which the conduct occurred. The school district encourages the reporting party or complainant to use the DISCRIMINATION, HARASSMENT AND VIOLENCE 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. If the complaint involves a principal, the complaint may be filed with either of the school district's Assistant Superintendents for Academic Excellence and Accountability, 7362 East Point Douglas Road South, Cottage Grove, MN 55016-3025, (651) 425-6203 or (651) 425-6208.
- B. The building principal is the person responsible for receiving oral or written reports of harassment or violence at the building level. Any school district personnel who receives a report of harassment or violence must inform the building principal immediately. For purposes of this policy, immediately means as soon as possible, but no later than within 24 hours.
- C. Upon receipt of a report, the principal must notify the Assistant Superintendent

responsible for supervising the principal immediately, 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, along with a brief description of how the complaint was handled at the building level, will be forwarded as soon as practicable by the principal to the Assistant Superintendent responsible for supervising the principal. If the report was given verbally, the principal shall personally reduce it to written form as soon as possible, and by no later than within 48 hours, and forward it to the Assistant Superintendent responsible for supervising the principal. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed with either of the school district's Assistant Superintendents for Academic Excellence and Accountability, at the address listed above, by the reporting party or complainant.

- D. The School Board hereby designates the school district's Assistant Superintendents for Academic Excellence and Accountability as the administrators ultimately responsible to receive reports or complaints of harassment or violence. If the complaint involves an Assistant Superintendent, the complaint shall be filed directly with the Superintendent.
- E. The school district shall conspicuously post the names of the school district's Assistant Superintendents for Academic Excellence and Accountability, including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. 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. However, the school district is unable to guarantee confidentiality to any individual.

V. INVESTIGATION

- A. By authority of the school district, the Assistant Superintendents, upon receipt of a report or complaint alleging harassment or violence, shall immediately 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 a review of written witness statements or 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 a review documents deemed pertinent by the investigator. The scope of the investigation will depend on the circumstances of each complaint.

- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider, but is not limited to, 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 harassment or violence. Protective measures will be based on the circumstances of each situation and may include, but are not limited to, counseling, academic support, and scheduling changes for classes or extracurricular activities. Upon receipt of a complaint, the school district will engage in discussions with the complainant about whether any protective measures are necessary. Any protective measures will be implemented at the sole discretion of the school district and will be designed by the school district to minimize the burden on a pupil's educational program.
- E. The investigation will be completed within 7 days or 5 school days of the date the complaint was filed. The investigator will make a written report upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual based on a preponderance of the evidence standard and whether they appear to be violations of this policy in accordance with the definitions outlined in this policy. The breadth and detail of the investigation report will depend on the circumstances of each complaint.

VI. SCHOOL DISTRICT ACTION

- A. Upon receipt of a report or in the event of a substantiated complaint of harassment or violence, 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 will be reported in writing to the complainant and the respondent within 7 days or 5 school days of the date the complaint was filed, to the extent permitted by the Minnesota Government Data Practices Act, the Family Educational Rights and Privacy Act and any other applicable law. In the event the report cannot be provided to the complainant and respondent within

7 days or 5 school days, the school district will notify both parties, and will provide an anticipated date of report completion.

VII. 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 makes a good faith report of alleged harassment or violence 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 harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

VIII. 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.

IX. HARASSMENT OR VIOLENCE AS ABUSE

- A. Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils, staff members and the public.
- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.

- F. This policy shall be reviewed at least annually for compliance with state and federal law.

XI. OTHER RESOURCES

If appropriate under the circumstances, the school district may make district counseling and other district services, such as district nursing services for a student who becomes injured or ill as a result of an incident of harassment or violence, available to an individual who is the victim of harassment or violence. Such services, if any, will be made available at the district's sole discretion.

Legal References: Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)

POLICY ADOPTED: February 17, 2009

POLICY REVISED: December 4, 2014, September 17, 2015

INDEPENDENT SCHOOL DISTRICT NO. 833
DISCRIMINATION, HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Discrimination, Harassment and Violence

Independent School District No. 833 maintains a firm policy prohibiting discrimination, harassment and violence. All persons are to be treated with respect and dignity. The school district takes complaints of discrimination, harassment and violence seriously and will investigate such complaints in accordance with applicable policies and procedures. Complainants are encouraged to provide as much information as possible when reporting incidents of discrimination, harassment or violence using the form below.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Circle as appropriate sexual \ racial \ religious \ disability \ other _____

Name of person you believe engaged in discrimination, harassment or violence. _____

Identify the victim(s) of the reported conduct. _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.) _____

Where and what time did the incident(s) occur? _____

List any witnesses that were present _____

This complaint is filed based on my honest belief that _____ has engaged in discrimination, harassment or violence to me or to another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by _____

(Date)

Referred to Assistant Superintendent on _____.