

I. General Statement of Policy

It is the policy of Independent School District No. 4116 (the "school district") to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The school district prohibits any form of religious, racial or sexual harassment and violence.

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 or communication of a sexual nature or regarding religion and race as defined by this policy. For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, or other persons subject to the supervision and control of the district.

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 religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

II. Religious, Racial and Sexual/Gender Harassment and Violence Defined

- A.** Sexual/Gender Harassment: Definition. Sexual/Gender harassment includes unwelcome physical or verbal conduct relating to an individual's gender or directed at an individual because of gender; unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender biased nature when:
- 1.** 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
 - 2.** 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

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3. 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.

Examples of sexual/gender harassment may include but are 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 or preferential treatment with regard to an individual's employment or educational status; or
- f. Any sexually motivated unwelcome touching;
- g. Distribution or display of written materials, pictures or other graphics of a sexual or gender biased nature.
- h. Other unwelcome behavior or words directed at an individual because of gender.

- B. 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 including the genital area, groin, inner thigh, buttocks or breasts, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

1. Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
2. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
3. Coercing, forcing or attempting to coerce or force a sexual act on another; or

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4. Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- C. Racial Harassment/Racial Bias: Definition. Racial harassment and racial bias occur when:
1. Submission to conduct or communications of a racially derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 2. Submission to or rejection of conduct or communications of a racially derogatory, harassing or biased nature by an individual is used as a factor in decisions affecting that individual's employment or education; or
 3. The conduct or communication of a racially derogatory, harassing or biased nature has the purpose or effect of substantially interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment or otherwise adversely affects an individual's employment or academic opportunities.
- D. 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.
- E. Religious Harassment/Bias: Definition. Religious harassment/Bias occurs when:
1. Submission to conduct or communications of a religiously derogatory, harassing or biased nature is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 2. Submission to or rejection of conduct or communications of a religiously derogatory, harassing or biased nature by an individual is used as a factor in decisions affecting that individual's employment or education; or
 3. The conduct or communication of a religiously derogatory, harassing or biased nature has the purpose or effect of substantially interfering with an individual's employment or education, or

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creating an intimidating, hostile or offensive employment or education environment.

F. 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.

G. 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.

G. Applicability. Harassment may occur:

1. Between a supervisor and an employee;
2. Between co-employees;
3. Between an employee or supervisor and a student;
4. Between students;
5. Between students and members of the community who are participating in or attending school activities or who are on school grounds;
6. Between employees and members of the community who are participating in or attending school activities or who are on school grounds;

III. Reporting Procedures

Any person who believes he or she has been the victim of religious, racial or sexual 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 religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate school district official designated by

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this policy. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a School District Human Rights Officer.

- A. The Director is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence. Any adult school district personnel who receives a report of religious, racial or sexual harassment or violence shall inform the Director immediately.

Upon receipt of a report, the Director must notify the School District Human Rights Officer immediately, without screening or investigating the report. The Director 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 Director to the School District Human Rights Officer. If the report was given verbally, the Director shall personally reduce it to written form within 24 hours and forward it to the School District Human Rights Officer. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the Director. If the complaint involves the Director, the complaint shall be made or filed directly with the School District Human Rights Officer by the reporting party or complainant.

- B. The School Board hereby designates the School Board Chair as the School District Human Rights Officer to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves the School District Human Rights Officer, the complaint shall be filed directly with the School Board. The school district shall conspicuously post the name of the School District Human Rights Officer, including mailing addresses and telephone numbers.
- C. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- D. The school district will process complaints made under this policy as discreetly as possible, consistent with the school district's legal obligations and the necessity to investigate allegations of discriminatory harassment and violence and take disciplinary action when the conduct has occurred.

IV. Investigation

- A. By authority of the school district, the School District Human Rights Officer, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence shall immediately undertake or authorize

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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 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 the 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 religious, racial or sexual harassment or violence.

V. School District Action

- A.** The school district will take such action as appropriate based on the results of the investigation. In the event that the investigation establishes that a violation of this policy has occurred, disciplinary action will be taken.
- B.** Consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes §13.01 et. seq., the results of the school district's investigation will be made available to the complainant.

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 religious, racial or sexual 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.

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VII. Harassment or Violence as Abuse

Under certain circumstances, harassment or violence may constitute child abuse or neglect. Individuals responsible for a child's care, including teachers, school administrators and other lawful custodians of a child have a duty to report suspected child abuse or neglect, pursuant to Minnesota Statutes 626.556, Reporting Maltreatment of Minors.

Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged sexual abuse.

VIII. Discipline

Any school district action taken against a student or employee pursuant to this policy shall be consistent with the requirements of:

- A. School District Policies;
- B. The Pupil Fair Dismissal Act, Minnesota Statutes § 121A.40;
- C. Student Conduct Code;
- D. State and Federal Law.

The school district will take such disciplinary action it deems necessary and appropriate, including warning, suspension, immediate discharge or expulsion to end discriminatory harassment and violence and prevent its recurrence.

IX. Dissemination of Policy and Training

- A. This policy shall be conspicuously posted throughout the school building in areas accessible to staff members.
- B. A summary of this policy shall appear in the student handbook.
- C. The school district will develop a method of discussing this policy with students and employees.
- D. This policy shall be reviewed annually for compliance with state and federal laws.

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