

PROCEDURE 413 – HARASSMENT AND VIOLENCE

I. DEFINITIONS

A. Sexual Harassment and Violence

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other physical or verbal 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;
 - 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 violence is a physical act of aggression or assault upon another person that includes a sexual act or sexual purpose

B. Religious and Racial Harassment and Violence

1. Religious/racial harassment consists of physical or verbal conduct or communication which is related to an individual's religion/race when the conduct:
2. Has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
3. Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
4. Otherwise adversely affects an individual's employment or academic opportunities.

C. "Harassment" Prohibited by this policy consists of physical or verbal conduct, including but not limited to, electronic communications, relating to an individual's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or 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.

D. Protected Classifications; Definitions

1. "Disability" means any conditions or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
2. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or in the process of securing legal custody of an individual who has not attained the age of majority.
3. "Marital status" whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
6. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
7. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. Violence; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

II. REPORTING PROCEDURE

- A. Victims of alleged sexual, religious, or racial harassment or violence and third persons with knowledge of such conduct will report the alleged act immediately to school district officials, as designated herein. Nothing in this Policy 413 – Harassment and Violence will prevent any person from reporting harassment or violence based on a protected classification directly to the Assistant Superintendent, Human Resources. In the case of an emergency, district employees should call for assistance.
 - 1. At the building level, the Principal is the responsible authority for receiving reports of harassment or violence. At the District level, the department head is the responsible authority for receiving reports of harassment or violence. Upon receiving any such report the Principal or department head must notify the Assistant Superintendent, Human Resources as soon as possible, but in no event later than seventy-two hours after receipt of the report. The report must be forwarded without screening or investigation.
 - 2. District-wide: The school district will designate an Assistant Superintendent, Human Resources to receive reports of harassment or violence. The name, address, and phone number of the Assistant Superintendent, Human Resources will be posted in each building.
- B. Submissions of a good faith complaint or report of harassment or violence will not affect the individual's future employment, grades, or work assignments.
- C. 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 obligation to investigate, to take appropriate disciplinary action, and to conform with any discovery or disclosure obligations.

III. INVESTIGATION AND DISTRICT ACTION

- A. By authority of the School Board, the Assistant Superintendent, Human Resources, upon receiving any report alleging harassment or violence based on a protected classification as defined in section I. D. herein, will conduct or authorize an investigation. In determining whether alleged conduct constitutes a violation of this policy the school district would consider all the facts and surrounding circumstances of the allegation.
- B. During the investigation, the school district may take appropriate action, at its discretion; to protect any person involved.
- C. The Assistant Superintendent, Human Resources will submit a written report to the Superintendent upon completion of the investigation.

- D. Upon receipt of the results of the investigation from the Assistant Superintendent, Human Resources, the Superintendent will authorize appropriate action consistent with requirements of applicable collective bargaining, agreements, state and federal law, and school district policies.

IV. RETALIATION

The school district will discipline any individual who retaliates against any person who reports, testifies, assists or participates in any manner in any investigation, proceeding or hearing related to harassment or violence based on a protected classification. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

V. MALTREATMENT OF MINORS

As defined by Minnesota law, sexual harassment or sexual violence perpetuated against a minor will be considered sexual abuse and will be reported as directed in Policy 414 – Mandated Reporting of Maltreatment of Children or Vulnerable Adults and required by Minnesota law. Nothing in Policy 413 – Harassment and Violence will prohibit the school district from taking immediate action to protect victims of alleged sexual abuse.

VI. STUDENTS

Harassment or violence perpetrated by a student will be investigated by the Principal or designee in accordance with Policy 548 – Harassment and Violence and will be considered a matter of school discipline subject to Policy 506 – Student discipline.

VII. DISSEMINATION

This policy will be accessible to staff. The school district will review this policy annually for compliance with state and federal law.

Procedure Revised: 9/27/16

Procedure Revised: 9/10/13

Procedure Revised: 1/25/12

Procedure Revised: 5-17-10

Procedure Revised: 10/16/01

Procedure 413 Dated: 2/2/99 (formerly Procedure 4153 & 4253)

Procedure Revised: 2/1/94

Procedure Revised: 4/3/90

Procedure Adopted: 8/20/85

Cross References:

Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Policy 506 – Student Discipline

Policy 548 – Harassment and Violence

Legal References:

M.S. 121A.03, subd. 2

M.S. 363A

M.S. 609.341-609.345

M.S. 609.321-609.324

M.S. 617.246

M.S. 626.556

Notification Statement

School Board

INDEPENDENT SCHOOL DISTRICT 279

Maple Grove, MN 55369