

INDEPENDENT SCHOOL DISTRICT 196  
Rosemount-Apple Valley-Eagan Public Schools  
*Educating our students to reach their full potential*

Series Number   **405**   Adopted   **May 1983**   Revised   **September 2020**  

Title   **Employee Rights**  

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**1. Master Agreement**

1.1 Each Bureau of Mediation Services-designated employee unit shall have a written master agreement which contains conditions of employment.

1.2 Units not designated by the Bureau of Mediation Services shall be governed by applicable policies which contain conditions of employment.

**2. Election Judges** – Employees may serve as election judges after giving their supervisor at least 20 days written notice along with certification from the appointing authority stating the hours of election judge service and the compensation that will be provided. The district may reduce the salary or wages of the employee by the amount paid by the appointing authority during the time the employee was absent from work. The district may restrict the number of employees serving as election judges to no more than 20 percent of the work force at any single worksite.

**3. Jury Duty** – Employees may serve on jury duty when summoned. District compensation will be based on the specific language in the employee's working agreement or letter of assignment.

**4. Group Insurance** – Group hospitalization and health plans may be made available to eligible district employees. The plan or combination of plans may be financed from funds contributed solely by the district, or solely by the employees or any combination thereof.

**5. Tax-Deferred Savings Plan and Tax-Deferred Contribution Plan** – Tax-deferred savings plans and tax-deferred matching contribution plans shall be made available to district employees.

**6. Prohibition of Harassment, Discrimination (Including Sex Discrimination under Title IX), Violence or Hazing**

6.1 District 196 is committed to maintaining an educational and employment environment that is free from harassment, discrimination, violence or hazing. As required by Title IX and other state and federal nondiscrimination laws, District 196 prohibits any form of harassment, discrimination, violence or hazing in employment or in any of its education programs or activities, including vocational activities.

6.1.1 It is a violation of this policy for any District 196 student, staff or third party to harass an employee, student, visitor or other person through conduct or communication of a sexual nature or regarding sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information as defined by law and administrative regulations.

- 6.1.2 It is a violation of this policy for any District 196 student, staff or third party to inflict, threaten to inflict or attempt to inflict violence based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information upon any employee, student, visitor or other person.
- 6.1.3 It shall be a violation of this policy for any District 196 student, staff or third party to plan, direct, encourage, aid or engage in hazing. It will also be a violation of this policy for any staff to condone or fail to report any hazing.
- 6.1.4 It shall be a violation of this policy for any District 196 student, staff or third party to engage in discrimination based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information upon any employee, student, visitor or other person.
  - 6.1.4.1 District 196 shall comply with state and federal laws prohibiting discrimination, including Title IX of the Educational Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1991, the Genetic Information Nondiscrimination Act of 2008 and the Minnesota Human Rights Act.
  - 6.1.4.2 No person protected by these laws shall, on the grounds of race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in employment or under any educational program or activity operated by the district.
  - 6.1.4.3 The school district complies with a number of state and federal laws prohibiting discrimination. Copies of these laws are available for no charge in each district building and on the district website.
- 6.1.5 The district will act to investigate all complaints, either formal or informal, verbal or written, of harassment, discrimination, violence or hazing, and to discipline or take appropriate action against any employee, student or other district personnel who is found to have violated this policy.
- 6.1.6 District 196 has written procedures for reporting and investigating all complaints of harassment, discrimination, violence or hazing, which provide for appropriate disciplinary action based on results of the investigation and shall communicate these procedures to district

personnel and students. Complete grievance procedures can be found in Administrative Regulations 405.7AR and 503.4AR, Harassment, Discrimination, Violence or Hazing and in Administrative Regulation 503.5AR, Title IX Sexual Harassment Grievance Process. The district has appointed a Title IX Coordinator and Human Rights Officers who are charged with receiving, investigating and working to remedy complaints of harassment, discrimination, violence or hazing. Among other things, they are responsible for coordinating the district's compliance with applicable discrimination laws, and identifying and addressing any problems that arise during the review of such complaints.

6.1.6.1 Specifically, the following persons are appointed as the Title IX Coordinator or Human Rights Officers (which includes serving as the District's, Section 504 and/or ADA Coordinators) as follows:

6.1.6.1.1 For all Title IX complaints or for complaints involving harassment, discrimination, violence or hazing *by district personnel* contact:  
Tom Pederstuen  
Director of Human Resources – Title IX  
Coordinator  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7859  
Tom.pederstuen@District196.org

6.1.6.1.2 For complaints involving harassment, discrimination, violence or hazing *by a student*, contact the appropriate level director:  
Sally Soliday  
Director of Elementary Education (grades k-5)  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7782  
Sally.soliday@District196.org  
Or  
Michael Bolsoni  
Director of Secondary Education (grades 6-12)  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7712  
Michael.Bolsoni@District196.org

6.1.6.1.3 For complaints involving the disability of *a student* including their rights under Section 504, contact:  
Janet Fimmen  
Director of Special Education  
3455 153<sup>rd</sup> Street West  
Rosemount, MN 55068-4946  
651-423-7629  
Janet.fimmen@District196.org

- 6.1.6.2 A complaint made to one Human Rights Officer that falls within the province of another Human Rights Officer, shall be forwarded to the appropriate Human Rights Officer.
- 6.1.6.3 When appropriate, in fulfilling their duties, Human Rights Officers may delegate investigational and other responsibilities to employees or agents of the district.
- 6.1.6.4 Inquiries concerning the application of federal civil rights laws may be referred to the appropriate Human Rights Officer or to the Assistant Secretary of the Office of Civil Rights (OCR), which may be reached at 1-800-421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov).
- 6.1.6.5 The school district shall make reasonable accommodations for an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the accommodation would impose undue hardship on the operation of the school district. An employee or job applicant wishing to discuss the need for an accommodation should contact their supervisor or the Director of Human Resources.
- 6.1.7 The superintendent develops and implements programs and processes to:
  - 6.1.7.1 Assure district compliance in employment or educational programs, athletics, counseling, activities and facilities;
  - 6.1.7.2 Evaluate district operations in terms of applicable federal and state laws prohibiting discrimination, harassment, violence and hazing;
  - 6.1.7.3 Set up a Title IX grievance process and appoint the district Human Resource Officers, and
  - 6.1.7.4 Set up a Section 504 grievance process, and appoint a Section 504 grievance officer.
- 6.1.8 Employees and students are responsible for reporting any evidence of discrimination, harassment, violence or hazing on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information in the district. The district has developed regulations appointing appropriate staff persons to whom reports shall be made. Appropriate action may be taken against all who fail to report instances of discrimination, harassment, violence or hazing.
- 6.1.9 This policy does 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, or Equal Employment Opportunity Commission (EEOC), filing a complaint with the OCR, initiating civil action or seeking redress under state criminal statutes and/or federal law.

- 6.1.10 Nothing in this policy shall preclude teaching about issues related to sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information issues as part of the school curriculum.
- 6.1.11 Retaliation - The district shall discipline or take appropriate action against any student or district personnel who retaliates against any person who reports alleged harassment, discrimination, violence or hazing, or against any person who testifies, participates in or assists in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment, discrimination, violence or hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.
- 6.1.12 All persons in the district affected by this policy shall be notified about this policy as required by law.
7. **Travel** – The district supports the professional growth of its employees and board members, and appreciates the potential value to the individual and the district of appropriate attendance at conferences, workshops and other meetings available outside the district. At the same time, every possible effort must be made to ensure that such travel enhances the mission and goals of the district and has a positive effect on the quality of the educational program.
- 7.1 Travel of district employees and board members is limited to the purposes of performing one’s duties, representing the district, improving the learning environment, professional growth and contributing to the achievement of district goals.
- 7.2 Travel arrangements for district employees and board members will be made in accordance with guidelines in Administrative Regulation 405.8AR, Travel and Related Expenses.
8. **Wage Disclosure Protection Notice** – In accordance with Minnesota Statute 181.172, employees are entitled to certain wage disclosure protections, by which the district shall abide.

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- References:**
- Minnesota Statute 121A.03, Model policy on sexual, religious, and racial harassment and violence
  - Minnesota Statute 121A.0695, School board policy; prohibiting intimidation and bullying
  - Minnesota Statute 121A.69, subdivision 2, Hazing
  - Minnesota Statute 181.172, Wage disclosure protection
  - Minnesota Statute 204B.195, Time off from work to serve as an election judge
  - Minnesota Statute Chap. 363A, Minnesota Human Rights Act
  - Minnesota Statute 471.6161, Group Insurance
  - Minnesota Statute 471.661, Out of state travel
  - Minnesota Statute 593.50, Protection of Jurors’ Employment
  - Minnesota Statutes 609.321-609.324, Prostitution
  - Minnesota Statutes 609.341-609.345, Definitions
  - Minnesota Chapter 260E, Reporting of maltreatment of minors
  - 29 U.S.C. 794 et seq (Section 504 of the Rehabilitation Act of 1973)
  - 20 U.S.C. 1681 et seq (Title IX of the Educational Amendments of 1972)

- 42 U.S.C. 2000e et seq (Title VI and VII of the Civil Rights Act)
- 42 U.S.C. 2000ff (Title II of Genetic Information Nondiscrimination Act of 2008)
- 42 U.S.C. 12101 et seq (Americans with Disabilities Act of 1991)
- 29 U.S.C. 621 et seq (Age Discrimination in Employment Act of 1967)