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RICHFIELD PUBLIC SCHOOLS

HARASSMENT PROHIBITION POLICY

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law.

II. GENERAL STATEMENT OF POLICY

A. Richfield Public Schools prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any other class protected under the law.

B. A violation of this policy occurs when any student, teacher, administrator, or other District personnel harasses or inflicts, threatens to inflict, or attempts to inflict violence upon a student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, or disability, as defined by this policy. (For purposes of this policy, District personnel includes: school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District.)

C. The District will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.

III. DEFINITIONS

A. "Assault" is:

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1. an act done with intent to cause fear in another of imminent 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.

B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, and nonverbal behavior such as graphic and written statements, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any class protected under the law 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. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications; Definitions

1. "Disability": "A person with a disability" is any person who:
 - a. has a 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 having legal status or custody with:
 - a. the minor's parent or parents or the minor's legal guardian or guardians; or

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b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians.

Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.

The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.

3. “Gender identity or expression” includes the manner in which an individual expresses their gender and an individual’s sense of being male, female, or otherwise on a continuum of gender.

4. “Marital status” means 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.

5. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.

6. “Sex” includes, but is not limited to, gender assigned at birth, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

7. “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 “Sexual orientation” does not include a physical or sexual attachment to children by an adult.

8. “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. Racial Harassment/Violence; Definition

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- 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.

H. Sexual Violence; Definition

- 1. 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.
- 2. 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.

I. Violence; Definition

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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, gender identity or expression, disability, or any class protected under the law.

IV. REPORTING PROCEDURES

- A. Any person who believes they have been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or expression, disability, or any other protected class, by a student, teacher, administrator, or other District personnel, or any person (e.g., witness, parent, colleague) with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel should report the alleged acts immediately to an appropriate school district official designated by this policy.
- B. The District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the District Office, but oral reports shall be considered complaints as well.
- C. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer, to the District's Title IX coordinator, or to the superintendent. The District has a Title IX policy and grievance procedure, and nothing in this policy shall prevent any person from reporting sexual harassment or violence in the manner specified by Policy 115: Title IX.
- D. In Each School Building. The building principal, the principal's designee, or the building/program supervisor (hereinafter Building Report Taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building/program level. Any adult District personnel who receives a report of harassment or violence prohibited by this policy shall inform the Building Report Taker immediately. If the complaint involves the Building Report Taker, the complaint shall be made or filed directly with the superintendent or the District human rights officer by the reporting party or complainant. District personnel who fail to inform the Building Report Taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.

- 1 E. Upon receipt of a report, the Building Report Taker must notify the
2 District human rights officer immediately, without screening or
3 investigating the report. If the complaint only involves students,
4 the Building Report Taker is designated to review the complaint,
5 initiate the investigation and notify the District human rights officer if
6 the complaint includes allegations of sexual harassment or other
7 potentially criminal allegations. The Building Report Taker may
8 request, but may not insist upon, a written complaint. A written
9 statement of the facts alleged will be forwarded as soon as
10 practicable by the Building Report Taker to the human rights
11 officer. If the report was given verbally, the Building Report Taker
12 shall personally reduce it to written form within 24 hours and
13 forward it to the human rights officer. Failure to forward any
14 harassment or violence report or complaint as provided herein may
15 result in disciplinary action against the Building Report Taker.
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- 17 F. In the District. The school board hereby designates Craig Holje,
18 Chief Human Resources and Administrative Officer as the District
19 human rights officer to receive reports or complaints of harassment
20 or violence prohibited by this policy. The District human rights
21 officer also serves as the District Title IX coordinator, and it is
22 ultimately the responsibility of this individual to determine whether
23 any allegations of sexual harassment fall under the purview of
24 Policy 115: Title IX or under this policy and to proceed according to
25 the correct policy. If the complaint involves the human rights officer,
26 the complaint shall be filed directly with the superintendent, and the
27 superintendent shall then assume that responsibility. The District
28 shall conspicuously post the name of the human rights officer(s),
29 including mailing addresses and telephone numbers.
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- 31 G. Submission of a good faith complaint or report of harassment or
32 violence prohibited by this policy will not affect the complainant or
33 reporter's future employment, grades, or work assignments.
34 Retaliation against a victim, good faith reporter, or a witness of
35 violence or harassment is prohibited. Knowingly false accusations
36 or reports of violence or harassment against another person are
37 prohibited.
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- 39 H. Reports of harassment or violence prohibited by this policy are
40 classified as private educational and/or personnel data and/or
41 confidential investigative data and will not be disclosed except as
42 permitted by law. The District will respect the privacy of the
43 complainant(s), the individual(s) against whom the complaint is
44 filed, and the witnesses as much as possible, consistent with the
45 school district's legal obligations to investigate, to take appropriate
46 action, and to comply with any discovery or disclosure obligations.
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48 **V. INVESTIGATION**

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- 1 A. By authority of the District, the human rights officer or Building
2 Report Taker as appropriate, upon receipt of a report or complaint
3 alleging harassment or violence prohibited by this policy, shall
4 immediately undertake or authorize any investigation that may be
5 required to understand the facts of the situation. The investigation
6 may be conducted by District officials or by a third party designated
7 by the District.
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9 B. The investigation may consist of personal interviews with the
10 complainant, the individual(s) against whom the complaint is filed,
11 and others who may have knowledge of the alleged incident(s) or
12 circumstances giving rise to the complaint. The investigation may
13 also consist of any other methods and documents deemed
14 pertinent and necessary by the investigator.
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16 C. In determining whether alleged conduct constitutes a violation of
17 this policy, the District should consider the surrounding
18 circumstances, the nature of the behavior, past incidents or past or
19 continuing patterns of behavior, the relationships between the
20 parties involved, and the context in which the alleged incidents
21 occurred. Whether a particular action or incident constitutes a
22 violation of this policy requires a determination based on all the
23 facts and surrounding circumstances.
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25 D. In addition, the District may take immediate steps, at its discretion,
26 to protect the complainant, students, teachers, administrators, or
27 other school personnel pending completion of an investigation of
28 alleged harassment or violence prohibited by this policy.
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30 E. The investigation will be completed as soon as practicable. The
31 District human rights officer or Building Report Taker shall make a
32 written report to the superintendent upon completion of a formal
33 investigation involving an employee or any complaint that involves
34 criminal allegations. The report for any complaint involving
35 students will be documented appropriately in the student
36 information system. If the complaint involves the superintendent,
37 the report may be filed directly with the school board. The report
38 shall include a determination of whether the allegations have been
39 substantiated as factual and whether they appear to be violations
40 of this policy. If no formal investigation was authorized by the
41 human rights officer, they will ensure appropriate follow up with the
42 employee(s) or student(s) or other parties involved.

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44 **VI. SCHOOL DISTRICT ACTION**

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46 A. Upon completion of the investigation, the District will take
47 appropriate action. Such action may include, but is not limited to,
48 warning, suspension, exclusion, expulsion, transfer, remediation,
49 termination, or discharge. District action taken for violation of this
50 policy will be consistent with requirements of applicable collective

1 bargaining agreements, Minnesota and federal law, and school
2 district policies.

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4 B. If requested, the result of the District's investigation of each
5 complaint filed under these procedures will be reported orally or in
6 writing to the complainant by the school district in accordance with
7 state and federal law regarding data or records privacy.

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9 **VII. REPRISAL**

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11 The District will discipline or take appropriate action against any student,
12 teacher, administrator, or other school personnel who retaliates against
13 any person who makes a good faith report of alleged harassment or
14 violence prohibited by this policy or any person who testifies, assists, or
15 participates in an investigation, or who testifies, assists, or participates in
16 a proceeding or hearing relating to such harassment or violence.
17 Retaliation includes, but is not limited to, any form of intimidation, reprisal,
18 harassment, or intentional disparate treatment.

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20 **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

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22 These procedures do not deny the right of any individual to pursue other
23 avenues of recourse which may include filing charges with the Minnesota
24 Department of Human Rights, initiating civil action, or seeking redress
25 under state criminal statutes and/or federal law.

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27 **IX. HARASSMENT OR VIOLENCE AS ABUSE**

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29 A. Under certain circumstances, alleged harassment or violence may
30 also be possible abuse under Minnesota law. If so, the duties of
31 mandatory reporting under Minn. Stat. § 260E may be applicable.
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33 B. Nothing in this policy will prohibit the District from taking immediate
34 action to protect victims of alleged harassment, violence, or abuse.

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36 **X. DISSEMINATION OF POLICY AND TRAINING**

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38 A. This policy shall be conspicuously posted in each school building in
39 areas accessible to students and staff members. It will be available
40 on the District website.
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42 B. This policy shall be given to or access provided to the website
43 containing the policy for each District employee and independent
44 contractor at the time of entering into the person's employment
45 contract.
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47 C. This policy shall appear in the student handbook.
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49 D. The District will develop a method of discussing this policy with
50 students and employees.

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- E. The 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, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References:

- Minn. Stat. § 120B.232 (Character Development Education)
- Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
- Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- Minn. Stat. § 609.341 (Definitions)
- Minn. Stat. § 260E (Reporting of Maltreatment of Minors)
- 20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))
- 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)
- 20 U.S.C § 1400, *et seq.* (Individuals with Disabilities Education Improvement Act of 2004)
- 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
- 34 C.F.R. Part 106 (Implementing Regulations of Title IX)
- 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
- 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
- 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
- 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
- 42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
- 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)

Cross References:

- Policy 102 (Equal Educational Opportunity)
- Policy 113 (Bullying Prohibition Policy)
- Policy 108 (Hazing Prohibition)
- Policy 115 (Title IX)
- Policy 111 (Weapons on School Premises)
- Policy 402 (Equal Employment Opportunity)
- Policy 403 (Disability Nondiscrimination)
- Policy 409 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
- Policy 410 (Mandated Reporting of Maltreatment of Vulnerable Adults)
- Policy 412 (Public and Private Personnel Data)
- Policy 505 (Student Disability Nondiscrimination)

- 1 Policy 506 (Student Sex Nondiscrimination)
- 2 Policy 541 (Student Behavior)
- 3 Policy 581 (Protection and Privacy of Pupil Records)
- 4 Policy 582 (Staff Notification of Violent Behavior by Students)
- 5 Policy 586 (Gender Inclusion)
- 6 Policy 742 (Student Transportation Services)
- 7 Policy 783 (Video Surveillance)

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10 RATIFIED BY THE BOARD OF EDUCATION: January 18, 1994

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12 REVIEWED & REAFFIRMED BY THE BOARD OF EDUCATION: April 18, 2005;
13 August 16, 2021; September 6, 2022

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15 REVISED BY THE BOARD OF EDUCATION: December 7, 1999; January 22,
16 2002; March 17, 2003; June 17, 2008; August 18, 2014; January 19, 2021;
17 September 5, 2023; September 16, 2024

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