

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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. The school district 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 school district personnel harasses or inflicts, threatens to inflict, or attempts to inflict violence upon a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school 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, school district personnel includes: school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.)
- C. The school 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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

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

1. Race-based harassment is intimidation or abusive behavior towards a student or employee based on perceived or actual race, color, creed or national origin that creates a hostile environment by interfering with or denying a student or employee’s participation in or receipt of benefits, services, or opportunities in the schools’ programs or employment.
2. Racial violence is a physical act or aggression or force, or threat thereof which is directed toward a student or employee based upon their perceived or actual race, color, creed, or national origin

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

F. Religious Harassment/Violence; Definition

1. Religion-based harassment is intimidation or abusive behavior toward a student or employee based on perceived or actual religious belief that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the schools' programs.
2. Religious violence is the threat of or an actual physical act of aggression or force which is directed toward a student or employee based upon their perceived or actual religion.

G. 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 employment or 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

- 1 or overt threats concerning an individual's
- 2 employment or educational status;
- 3
- 4 e. unwelcome sexual behavior or words, including
- 5 demands for sexual favors, accompanied by implied
- 6 or overt promises of preferential treatment with regard
- 7 to an individual's employment or educational status;
- 8 or
- 9
- 10 f. unwelcome behavior or words directed at an
- 11 individual because of gender.
- 12

13 H. Sexual Violence; Definition

- 14
- 15 1. Sexual violence is a physical act of aggression or force or
- 16 the threat thereof which involves the touching of another's
- 17 intimate parts, or forcing a person to touch any person's
- 18 intimate parts. Intimate parts, as defined in Minn. Stat. §
- 19 609.341, includes the primary genital area, groin, inner thigh,
- 20 buttocks, or breast, as well as the clothing covering these
- 21 areas.
- 22
- 23 2. Sexual violence may include, but is not limited to:
- 24
- 25 a. touching, patting, grabbing, or pinching another
- 26 person's intimate parts, whether that person is of the
- 27 same sex or the opposite sex;
- 28
- 29 b. coercing, forcing, or attempting to coerce or force the
- 30 touching of anyone's intimate parts;
- 31
- 32 c. coercing, forcing, or attempting to coerce or force
- 33 sexual intercourse or a sexual act on another; or
- 34
- 35 d. threatening to force or coerce sexual acts, including
- 36 the touching of intimate parts or intercourse, on
- 37 another.
- 38

39 I. Violence; Definition

40

41 Violence prohibited by this policy is a physical act of aggression or

42 assault upon another or group of individuals because of, or in a

43 manner reasonably related to, race, color, creed, religion, national

44 origin, sex, age, marital status, familial status, status with regard to

45 public assistance, sexual orientation, gender identity or expression,

46 disability, or any class protected under the law.

47

48 **IV. REPORTING PROCEDURES**

49

- 1 A. Any person who believes they have been the victim of harassment
2 or violence on the basis of race, color, creed, religion, national
3 origin, sex, age, marital status, familial status, status with regard to
4 public assistance, sexual orientation, gender identity or expression,
5 disability, or any other protected class, by a student, teacher,
6 administrator, or other school district personnel, or any person
7 (e.g., witness, parent, colleague) with knowledge or belief of
8 conduct which may constitute harassment or violence prohibited by
9 this policy toward a student, teacher, administrator, or other school
10 district personnel or group of students, teachers, administrators, or
11 other school district personnel should report the alleged acts
12 immediately to an appropriate school district official designated by
13 this policy.
14
- 15 B. The school district encourages the reporting party or complainant
16 to use the report form available from the principal of each building
17 or available from the school district office, but oral reports shall be
18 considered complaints as well.
19
- 20 C. Nothing in this policy shall prevent any person from reporting
21 harassment or violence directly to a school district human rights
22 officer, to the district's Title IX coordinator, or to the superintendent.
23 The district has a Title IX policy and grievance procedure, and
24 nothing in this policy shall prevent any person from reporting sexual
25 harassment or violence in the manner specified by Policy 115: Title
26 IX.
27
- 28 D. In Each School Building. The building principal, the principal's
29 designee, or the building/program supervisor (hereinafter Building
30 Report Taker) is the person responsible for receiving oral or written
31 reports of harassment or violence prohibited by this policy at the
32 building/program level. Any adult school district personnel who
33 receives a report of harassment or violence prohibited by this policy
34 shall inform the Building Report Taker immediately. If the complaint
35 involves the Building Report Taker, the complaint shall be made or
36 filed directly with the superintendent or the school district human
37 rights officer by the reporting party or complainant. School district
38 personnel who fail to inform the Building Report Taker of a report of
39 harassment or violence in a timely manner may be subject to
40 disciplinary action.
41
- 42 E. Upon receipt of a report, the Building Report Taker must notify the
43 school district human rights officer immediately, without screening
44 or investigating the report. If the complaint only involves students,
45 the Building Report Taker is designated to review the complaint,
46 initiate the investigation and notify the school district human rights
47 officer if the complaint includes allegations of sexual harassment or
48 other potentially criminal allegations. The Building Report Taker
49 may request, but may not insist upon, a written complaint. A
50 written statement of the facts alleged will be forwarded as soon as

1 practicable by the Building Report Taker to the human rights
2 officer. If the report was given verbally, the Building Report Taker
3 shall personally reduce it to written form within 24 hours and
4 forward it to the human rights officer. Failure to forward any
5 harassment or violence report or complaint as provided herein may
6 result in disciplinary action against the Building Report Taker.
7

8 F. In the District. The school board hereby designates Craig Holje,
9 Chief Human Resources and Administrative Officer as the school
10 district human rights officer to receive reports or complaints of
11 harassment or violence prohibited by this policy. The school district
12 human rights officer also serves as the district Title IX coordinator,
13 and it is ultimately the responsibility of this individual to determine
14 whether any allegations of sexual harassment fall under the
15 purview of Policy 115: Title IX or under this policy and to proceed
16 according to the correct policy. If the complaint involves the human
17 rights officer, the complaint shall be filed directly with the
18 superintendent, and the superintendent shall then assume that
19 responsibility. The school district shall conspicuously post the name
20 of the human rights officer(s), including mailing addresses and
21 telephone numbers.
22

23 G. Submission of a good faith complaint or report of harassment or
24 violence prohibited by this policy will not affect the complainant or
25 reporter's future employment, grades, or work assignments.
26 Retaliation against a victim, good faith reporter, or a witness of
27 violence or harassment is prohibited. Knowingly false accusations
28 or reports of violence or harassment against another person are
29 prohibited.
30

31 H. Reports of harassment or violence prohibited by this policy are
32 classified as private educational and/or personnel data and/or
33 confidential investigative data and will not be disclosed except as
34 permitted by law. The school district will respect the privacy of the
35 complainant(s), the individual(s) against whom the complaint is
36 filed, and the witnesses as much as possible, consistent with the
37 school district's legal obligations to investigate, to take appropriate
38 action, and to comply with any discovery or disclosure obligations.
39

40 **V. INVESTIGATION**
41

42 A. By authority of the school district, the human rights officer or
43 Building Report Taker as appropriate, upon receipt of a report or
44 complaint alleging harassment or violence prohibited by this policy,
45 shall immediately undertake or authorize any investigation that may
46 be required to understand the facts of the situation. The
47 investigation may be conducted by school district officials or by a
48 third party designated by the school district.
49

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

37 **VI. SCHOOL DISTRICT ACTION**

- 38
- 39 A. Upon completion of the investigation, the school district will take
40 appropriate action. Such action may include, but is not limited to,
41 warning, suspension, exclusion, expulsion, transfer, remediation,
42 termination, or discharge. School district action taken for violation
43 of this policy will be consistent with requirements of applicable
44 collective bargaining agreements, Minnesota and federal law, and
45 school district policies.
46
- 47 B. If requested, the result of the school district's investigation of each
48 complaint filed under these procedures will be reported orally or in
49 writing to the complainant by the school district in accordance with
50 state and federal law regarding data or records privacy.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

VII. REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged harassment or violence prohibited by this policy 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, harassment, or intentional disparate treatment.

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. § 260E 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 in each school building in areas accessible to students and staff members. It will be available on the District website.
- B. This policy shall be given to or access provided to the website containing the policy for 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,

1 gratefulness, self-discipline, patience, forgiveness, respect for
2 others, peacemaking, resourcefulness, and/or sexual abuse
3 prevention.
4

- 5 F. This policy shall be reviewed at least annually for compliance with
6 state and federal law.
7
8

9 **Legal References:** Minn. Stat. § 120B.232 (Character Development Education)
10 Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention
11 Education)
12 Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and
13 Racial Harassment and Violence Policy)
14 Minn. Stat. § 121A.40 – 121A.575 (Minnesota Pupil Fair
15 Dismissal Act)
16 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
17 Minn. Stat. § 609.341 (Definitions)
18 Minn. Stat. § 260E (Reporting of Maltreatment of Minors)
19 20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of
20 Campus Security and Campus Crime Statistics Act (“Clery
21 Act”))
22 20 U.S.C. § 1232g (Family Educational Rights and Privacy
23 Act of 1974)
24 20 U.S.C § 1400, *et seq.* (Individuals with Disabilities
25 Education Improvement Act of 2004)
26 20 U.S.C. §§ 1681-1688 (Title IX of the Education
27 Amendments of 1972)
28 34 C.F.R. Part 106 (Implementing Regulations of Title IX)
29 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment
30 Act)
31 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
32 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
33 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of
34 1964)
35 42 U.S.C. § 2000e *et seq.* (Title VII of the Civil Rights Act)
36 42 U.S.C. § 12101 *et seq.* (Americans with Disabilities Act)
37
38

39 **Cross References:** Policy 102 (Equal Educational Opportunity)
40 Policy 113 (Bullying Prohibition Policy)
41 Policy 108 (Hazing Prohibition)
42 Policy 115 (Title IX)
43 Policy 111 (Weapons on School Premises)
44 Policy 402 (Equal Employment Opportunity)
45 Policy 403 (Disability Nondiscrimination)
46 Policy 409 (Mandated Reporting of Child Neglect or Physical
47 or Sexual Abuse)
48 Policy 410 (Mandated Reporting of Maltreatment of
49 Vulnerable Adults)
50 Policy 412 (Public and Private Personnel Data)

- 1 Policy 505 (Student Disability Nondiscrimination)
- 2 Policy 506 (Student Sex Nondiscrimination)
- 3 Policy 541 (Student Behavior)
- 4 Policy 581 (Protection and Privacy of Pupil Records)
- 5 Policy 582 (Staff Notification of Violent Behavior by
- 6 Students)
- 7 Policy 586 (Gender Inclusion)
- 8 Policy 742 (Student Transportation Services)
- 9 Policy 783 (Video Surveillance)

10
11
12
13
14
15
16
17
18
19

RATIFIED BY THE BOARD OF EDUCATION: January 18, 1994

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

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