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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 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.

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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

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

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

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

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

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

38  
39 A. By authority of the District, the human rights officer or Building  
40 Report Taker as appropriate, upon receipt of a report or complaint  
41 alleging harassment or violence prohibited by this policy, shall  
42 immediately undertake or authorize any investigation that may be  
43 required to understand the facts of the situation. The investigation  
44 may be conducted by District officials or by a third party designated  
45 by the District.  
46

47 B. The investigation may consist of personal interviews with the  
48 complainant, the individual(s) against whom the complaint is filed,  
49 and others who may have knowledge of the alleged incident(s) or  
50 circumstances giving rise to the complaint. The investigation may

1 also consist of any other methods and documents deemed  
2 pertinent and necessary by the investigator.

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4 C. In determining whether alleged conduct constitutes a violation of  
5 this policy, the District should consider the surrounding  
6 circumstances, the nature of the behavior, past incidents or past or  
7 continuing patterns of behavior, the relationships between the  
8 parties involved, and the context in which the alleged incidents  
9 occurred. Whether a particular action or incident constitutes a  
10 violation of this policy requires a determination based on all the  
11 facts and surrounding circumstances.

12  
13 D. In addition, the District may take immediate steps, at its discretion,  
14 to protect the complainant, students, teachers, administrators, or  
15 other school personnel pending completion of an investigation of  
16 alleged harassment or violence prohibited by this policy.

17  
18 E. The investigation will be completed as soon as practicable. The  
19 District human rights officer or Building Report Taker shall make a  
20 written report to the superintendent upon completion of a formal  
21 investigation involving an employee or any complaint that involves  
22 criminal allegations. The report for any complaint involving  
23 students will be documented appropriately in the student  
24 information system. If the complaint involves the superintendent,  
25 the report may be filed directly with the school board. The report  
26 shall include a determination of whether the allegations have been  
27 substantiated as factual and whether they appear to be violations  
28 of this policy. If no formal investigation was authorized by the  
29 human rights officer, they will ensure appropriate follow up with the  
30 employee(s) or student(s) or other parties involved.

31  
32 **VI. SCHOOL DISTRICT ACTION**

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34 A. Upon completion of the investigation, the District will take  
35 appropriate action. Such action may include, but is not limited to,  
36 warning, suspension, exclusion, expulsion, transfer, remediation,  
37 termination, or discharge. District action taken for violation of this  
38 policy will be consistent with requirements of applicable collective  
39 bargaining agreements, Minnesota and federal law, and school  
40 district policies.

41  
42 B. If requested, the result of the District's investigation of each  
43 complaint filed under these procedures will be reported orally or in  
44 writing to the complainant by the school district in accordance with  
45 state and federal law regarding data or records privacy.

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47 **VII. REPRISAL**

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49 The District will discipline or take appropriate action against any student,  
50 teacher, administrator, or other school personnel who retaliates against

1 any person who makes a good faith report of alleged harassment or  
2 violence prohibited by this policy or any person who testifies, assists, or  
3 participates in an investigation, or who testifies, assists, or participates in  
4 a proceeding or hearing relating to such harassment or violence.  
5 Retaliation includes, but is not limited to, any form of intimidation, reprisal,  
6 harassment, or intentional disparate treatment.

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8 **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**  
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10 These procedures do not deny the right of any individual to pursue other  
11 avenues of recourse which may include filing charges with the Minnesota  
12 Department of Human Rights, initiating civil action, or seeking redress  
13 under state criminal statutes and/or federal law.

14  
15 **IX. HARASSMENT OR VIOLENCE AS ABUSE**  
16

- 17 A. Under certain circumstances, alleged harassment or violence may  
18 also be possible abuse under Minnesota law. If so, the duties of  
19 mandatory reporting under Minn. Stat. § 260E may be applicable.  
20  
21 B. Nothing in this policy will prohibit the District from taking immediate  
22 action to protect victims of alleged harassment, violence, or abuse.  
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24 **X. DISSEMINATION OF POLICY AND TRAINING**  
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- 26 A. This policy shall be conspicuously posted in each school building in  
27 areas accessible to students and staff members. It will be available  
28 on the District website.  
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30 B. This policy shall be given to or access provided to the website  
31 containing the policy for each District employee and independent  
32 contractor at the time of entering into the person's employment  
33 contract.  
34  
35 C. This policy shall appear in the student handbook.  
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37 D. The District will develop a method of discussing this policy with  
38 students and employees.  
39  
40 E. The District may implement violence prevention and character  
41 development education programs to prevent and reduce policy  
42 violations. Such programs may offer instruction on character  
43 education including, but not limited to, character qualities such as  
44 attentiveness, truthfulness, respect for authority, diligence,  
45 gratefulness, self-discipline, patience, forgiveness, respect for  
46 others, peacemaking, resourcefulness, and/or sexual abuse  
47 prevention.  
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49 F. This policy shall be reviewed at least annually for compliance with  
50 state and federal law.

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

RATIFIED BY THE BOARD OF EDUCATION: January 18, 1994

- 1 REVIEWED & REAFFIRMED BY THE BOARD OF EDUCATION: April 18, 2005;
- 2 August 16, 2021; September 6, 2022
- 3
- 4 REVISED BY THE BOARD OF EDUCATION: December 7, 1999; January 22,
- 5 2002; March 17, 2003; June 17, 2008; August 18, 2014; January 19, 2021;
- 6 September 5, 2023
- 7