

415.00 HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR

The purpose of this policy is to maintain a respectful learning and work environment in Saint Paul Public Schools that is free from harassment and violence based on an individual's race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, or disability. Individuals subjected to such harassment or violence have unreasonable burdens placed upon their rights to learn and work. Students, school district personnel, and members of the school district community should strive to create an environment that is free of harassment and violence and must conduct themselves in a manner consistent with the spirit and intent of this policy.

GENERAL STATEMENT OF POLICY

1. Prohibition

The school district prohibits harassment or violence, described by this policy, by or toward a student, school district personnel, or member of the school district community.

2. Responsibility to Report and Take Appropriate Action

- School district personnel -- School district personnel must take timely and appropriate action when they know or should know of the existence of harassment or violence, described by this policy, by or toward a student.
- Supervisors -- Administrators, managers, supervisors, and school board members must take timely and appropriate action when they know or should know of the existence of harassment or violence, described by this policy, by or toward school district personnel or members of the school district community.
- Others: -- Students, school district personnel, or members of the school district community who suspect harassment or violence, described by this policy, should report it to the designated individual in their workplace or educational setting.

3. Investigation and Corrective Action

The school district will act promptly to investigate all complaints, either formal or informal, oral or written, of harassment or violence and to discipline or take other appropriate action against any student, school district personnel, or member of the school district community who is found to have violated this policy. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school district policies. The investigation and resolution of complaints shall be carried out by administrative procedures.

4. Retaliation

Retaliation by a student, school district personnel, or member of the school district community against any individual who makes a good faith report of alleged harassment or violence or any individual who testifies, assists, or participates in an investigation, or in a proceeding or hearing relating to such harassment or violence, is prohibited. The school district will discipline or take appropriate action against any student, school district personnel, or member of the school district community who engages in retaliation. Retaliation includes any form of intimidation, reprisal, or harassment.

REPORTING

The Superintendent shall implement administrative procedures that ensure that complaints of harassment or violence are addressed in an appropriate and timely manner. These procedures shall include designation of site-based and district-level personnel responsible for receiving and investigating oral and written complaints.

TRAINING

1. Dissemination of Policy

The contents of this policy shall be—

- Conspicuously posted throughout each school building in areas accessible to students, school district personnel, and members of the school district community, along with the name and contact information of personnel responsible for receiving complaints;
- Given to individual school district personnel at the time of hire; and
- Included in the student handbook.

2. Training

The school district will develop and implement a method of discussing this policy with students and school district personnel. The district shall ensure that students and school district personnel receive additional training as necessary regarding behavior that constitutes a violation of this policy and steps necessary to change or report the behavior.

DEFINITIONS

For purposes of this policy, terms have the following meaning:

1. Harassment Described By This Policy

Harassment described by this policy includes physical or verbal conduct, or communication directed at an individual that is—

- Based on an individual’s race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, or disability
- Has the purpose or effect of creating an environment that is intimidating, hostile, or offensive with respect to that individual or otherwise adversely affects the individual’s employment, educational opportunities, or access to a benefit from the school district;
- Racial or religious harassment
- Sexual harassment.

2. **Member of the School District Community**
A member of the school district community means any agent, volunteer, contractor, or other individual engaged in a school district activity or program.
3. **Racial or Religious Harassment**
Racial or religious harassment consists of physical or verbal conduct or communication relating to an individual's race or religion when the conduct
 - Has the purpose or effect of creating an intimidating, hostile, derogatory, or offensive employment, educational, or school district environment;
 - Has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or otherwise adversely affects an individual's employment, educational opportunities, or access to a benefit from the school district.
4. **Racial or Religious Violence**
Racial or religious violence is a physical act of aggression or assault or the threat of aggression or assault upon another because of, or in a manner reasonably related to, race or religion. This act may also constitute a criminal law violation.
5. **School District Personnel**
School district personnel include employees, school board members, and persons subject to the supervision and control of the district.
6. **Sexual Harassment**
Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other physical or verbal conduct or communication of a sexual nature when—
 - 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, educational, or school district environment;
 - 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 or a benefit from the school district; or
 - 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 access to a benefit from the school district.

7. **Sexual Violence**
Sexual violence is a physical act of aggression or force or the threat of aggression or force which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts (as defined in Minn. Stat. § 609.341). This act may also constitute a criminal law violation.

8. Violence Described By This Policy

Violence described by this policy includes sexual, racial, and religious violence.

LEGAL REFERENCES:

Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)

Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)

CROSS REFERENCES:

102.00, Equal Opportunity/Non-Discrimination

501.00, Hazing Prohibition

609.00, Religion

602.00, Multicultural, Intercultural, Non-Racist, Non-Sex-Biased, Gender and Disability Fair Education

SPPS Rights and Responsibilities, A Student Behavior Handbook for Elementary and Secondary Schools

SPPS Human Resource Department Procedures

SPPS Office of Student Services Procedures