



## **Big Lake Schools**

501 Minnesota Avenue

Big Lake, MN 55309

763.262.2536

[biglakeschools.org](http://biglakeschools.org)

## **AFFIRMATIVE ACTION PROGRAMS**

**For People of Color, Women and Individuals  
with Disabilities**

**Effective: 4/8/23 – 4/7/24**

**TABLE OF CONTENTS**

Description of Organization ..... 3

Definitions Used in this AAP ..... 3

Assignment of Responsibility for Affirmative Action Program..... 7

INTERNAL AND EXTERNAL Dissemination of Affirmative Action Policy and Plan ..... 8

Internal Audit and Reporting Systems ..... 9

Workforce Analysis ..... 10

Goals and Timetables ..... 11

Problem Area Identification ..... 11

Action-Oriented Programs ..... 12

Anti-Harassment Policy ..... 15

Problem Resolution Policy ..... 25

## DESCRIPTION OF ORGANIZATION

Big Lake Schools is an Early Childhood and K-12 public school district offering Community Education programming for all ages.

Tim Trueebenbach – Superintendent, [t.trueebenbach@biglakeschools.org](mailto:t.trueebenbach@biglakeschools.org); 763-262-5235

High School and District Office: 501 Minnesota Avenue, Big Lake, MN 55309

Liberty Elementary: 17901 205th Avenue, Big Lake, MN 55309

Independence Elementary: 701 Minnesota Avenue, Big Lake, MN 55309

Middle School: 601 Minnesota Avenue, Big Lake, MN 55309

## DEFINITIONS USED IN THIS AAP

**Individual with a Disability:** any person who has a physical, sensory, or mental impairment which “materially” (Minnesota) or “substantially” (federal) limits one or more major life activities, or has a record of or is regarded as having such an impairment. “Individual with a Disability” does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a direct threat to property or the safety of others.

**American Indian or Alaska Native** - a person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

**Asian** - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Black or African American** - A person having origins in any of the black racial groups of Africa.

**Hispanic or Latino** - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**Native Hawaiian or Other Pacific Islander** - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**White** - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

**Minority** – Any person who identifies as being American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or in any combination of these identifiers, or someone who identifies as White and as any of the other identifiers.

**Job Groups:** Although companies are not limited to using these broad job groups as the only means of analyzing their workforce, we use the following as guidelines:

*Managers and Administrators:* Administrative personnel set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of an organization's operations. This category includes: officials, executives, middle management, plant managers, department managers, and superintendents, salaried supervisors who are members of management, purchasing agents, and buyers. Unless specifically listed under officials and managers or craft (skilled), first line supervisors, who engage in the same activities as the employees they supervise, should not be reported under this category.

*Professionals and Technicians:* Professionals are considered to be persons working in occupations requiring either college graduation or comparable work experience. Technicians are those whose work requires a combination of basic scientific knowledge and manual skills such as can be attained through two-year technical or community college degrees or equivalent on-the-job training.

*Sales Workers:* Occupations engaged wholly or primarily in direct selling. This includes: advertising agents and sales agents, insurance agents and brokers, real estate agents and brokers, sales agents and sales clerks, grocery clerks, cashiers/checkers.

*Office and Clerical:* All clerical work regardless of the level of difficulty in which activities are predominantly non-manual (though some manual work not directly involved with altering or transporting the products is included). This includes: bookkeepers, collectors, messengers, and office helpers, office machine operators, shipping and receiving clerks, stenographers, typists, secretaries, and telephone operators.

*Skilled Crafts:* Manual workers of a relatively high skill level who have a thorough and comprehensive knowledge of the process involved in their work. They exercise considerable independent judgment and usually receive an extensive period of training. This includes: building trades, hourly paid foremen and lead-workers who are not members of management, mechanics and repairmen, skilled machinery occupations, electricians. Exclude learners and helpers of craft workers (apprentices).

*Operatives: (Semi-skilled):* Workers who operate machines or processing equipment or perform other factory-type duties of an intermediate skill level which can be mastered in a few weeks and requires only limited training. This includes: apprentices, operatives, attendants, delivery and route drivers, truck and tractor drivers, dressmakers, weavers, welders. Include craft apprentices in such fields as auto mechanics, printing, metalwork, carpentry, plumbing and other building trades.

*Laborers: (Unskilled):* Workers in manual occupations which generally require no special training. They perform elementary duties which may be learned in a few days and which require the application of little or no independent judgment. This includes: garage laborers, car washers, gardeners, and lumber workers, laborers performing lifting, digging, mixing and loading.

*Service Workers:* Workers in both protective and no protective service occupations. This includes: attendants, clean-up workers, janitors, guards, police, fire fighters, waiters and waitresses.

**Underutilization:** The Minnesota Department of Human Rights defines underutilization in a job group if the number of women or people of color in a job group are less than what is expected based on the availability percentage data adopted for the analysis.

The Department uses the "WHOLE-PERSON RULE" in determining underutilization.

Declaration of underutilization does not indicate discrimination has occurred in a company; rather, it is an opportunity to enable a company to apply good faith efforts to ensure equal employment opportunities continually occur in the business.

## Equal Employment Opportunity (EEO) Policy

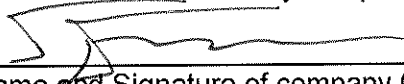
This is to affirm Big Lake Schools policy of providing equal employment opportunities to all employees and applicants for employment in accordance with all applicable laws, directives and regulations of federal, state, and local governing bodies or agencies.

Our organization will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, membership or activity in a local human rights commission, or status with regard to public assistance. We will take affirmative steps to ensure that all of our company's employment practices are free of discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to applicants and employees with disabilities whenever possible.

Big Lake Schools will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. In addition, all employees are expected to perform their job responsibilities in a manner that supports equal employment opportunities.

I have appointed Sue Schmidt, Human Resources Manager to manage the company's Equal Employment Opportunity ("EEO") program. This person's responsibilities include monitoring all EEO activities and reporting the effectiveness of the company's Affirmative Action program as required by law. I will receive and review reports on the progress of the program. Any employee or applicant may inspect our Affirmative Action Plan and information related to our EEO program during normal business hours. Please contact the EEO manager listed above for further information.

Any employee or applicant for employment who believes s/he has been treated in a way that violates this policy should contact either Sue Schmidt at 501 Minnesota Avenue, Big Lake, MN 55309, 763-262-5194, or [s.schmidt@biglakeschools.org](mailto:s.schmidt@biglakeschools.org) or any other management representative, including me. The company will take immediate action to investigate and address allegations of discrimination or harassment confidentially and promptly.



\_\_\_\_\_  
Name and Signature of company CEO or President.

4/6/23  
Date:

## **ASSIGNMENT OF RESPONSIBILITY FOR AFFIRMATIVE ACTION PROGRAM**

*The following responsibilities of the Equal Employment Opportunity (EEO) manager are required under the Minnesota Rules 5000.3430 and make Minn. Stat. §363A.36 specific. Please refer to the Rules for detailed responsibilities.*

Sue Schmidt, Human Resources Manager is designated as the company's EEO manager and is tasked with monitoring all employment activity to ensure that our EEO/AA policies are being carried out. The EEO/AA manager has been given the necessary staffing and support from senior management to fulfill the duties of the position. These duties include, but are not limited to, the following:

1. Develop an EEO policy statement and Affirmative Action Plan ("AAP") that are consistent with the company's EEO policies and establish our affirmative action goals and objectives.
2. Develop and implement internal and external strategies for disseminating the company's AAP and EEO policies.
3. Conduct and/or coordinate EEO/AA training and orientation.
4. Ensure that our managers and supervisors understand it is their responsibility to take action to prevent the harassment of employees and applicants for employment.
5. Ensure that all minority, female, and disabled employees are provided equal opportunity as it relates to organization-sponsored training programs, recreational/social activities, benefit plans, pay and other working conditions.
6. Implement and maintain EEO audit, reporting, and record-keeping systems in order to measure the effectiveness of our Affirmative Action Plan/Program and to determine whether our goals and objectives have been attained.
7. Coordinate the implementation of necessary affirmative action to meet compliance requirements and goals.
8. Serve as liaison between our organization and relevant governmental enforcement agencies.
9. Coordinate the recruitment and employment of women, people of color, and individuals with disabilities, and coordinate the recruitment and utilization of businesses owned by women, people of color, and individuals with disabilities.
10. Coordinate employee and company support of community action programs that may lead to the full employment of women, people of color, and individuals with disabilities.
11. Keep management informed of the latest developments in the area of EEO.

## **INTERNAL AND EXTERNAL DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN**

*The following accountabilities are found under the Minnesota Rules 5000.3440 and Minnesota Rules 5000.3552 Please refer to these Rules for detailed responsibilities of dissemination.*

### **A. Internal Dissemination**

1. Our EEO policy statement is included in our employee handbooks.
2. We will publicize our EEO policy in any newsletters, magazines, annual reports, or other media the company utilizes.
3. Schedule special meetings all other employees to discuss the policy and explain individual employee responsibilities;
4. We will discuss the policy thoroughly during both employee orientation and management training programs;
5. If applicable we will meet with union officials to provide notice of our EEO policy and ask for their cooperation in implementing the policy.
6. If applicable we will include non-discrimination clauses in all of our union agreements and review all contractual provisions to ensure they are non-discriminatory.
7. We will publish articles in any company publications covering our EEO programs, progress reports, and the accomplishments of disabled and female employees and employees of color.
8. Our EEO policy statement and non-discrimination posters will be permanently posted and conspicuously displayed in areas available to employees and applicants for employment.
9. When employees are featured in product or consumer advertising, employee handbooks, or similar publications, we will include images of male and female employees, employees of color, and disabled employees.
10. Communicate at least annually to employees the existence of our affirmative action program and make available the elements of its program as well as enable prospective employees to know and avail themselves of all of our program's benefits.
11. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes are carefully selected and trained to ensure that the goals and commitments in the company's affirmative action program are implemented.



## **B. External Dissemination**

1. We will notify all recruiting sources of the company's EEO policy, stipulating that these sources actively recruit and refer women and people of color for all positions listed.
2. We will hold formal briefing sessions with representatives from recruiting sources. As an integral part of these briefings, we will include facility tours; clear and concise explanations of current and future job openings; position descriptions; worker specifications; explanations of the company's selection process; and, recruiting literature. We will make formal arrangements regarding applicant referrals, and follow-up with referral sources regarding the disposition of applicants.
3. Any disabled employees who wish to participate in career days, youth motivation programs, and related community activities will be given opportunity to do so.
4. Any recruiting efforts at schools will include specific outreach to disabled students.
5. We will make an effort to participate in work study programs with rehabilitation facilities and schools that specialize in the training or educating disabled individuals.
6. We will use all available resources to continue or establish on-the-job training programs.
7. We will incorporate the equal opportunity clause into all purchase orders, leases, and contracts.
8. We will send written notification of the company's EEO policy to all sub-contractors, vendors, and suppliers, and request cooperative action from them.
9. We will notify community agencies, community leaders, secondary schools, colleges, and organizations that promote women, people of color, and disabled individuals regarding the company's EEO policy.
10. When employees are featured in consumer or help wanted advertising, we will include images of male and female employees, employees of color, and disabled employees.
11. We will communicate the existence of our EEO policy to prospective employees and provide sufficient information to enable prospective employees to avail themselves of the policy's benefits.

## **INTERNAL AUDIT AND REPORTING SYSTEMS**

*The following accountabilities are found under the Minnesota Rules 5000.3490 and Minnesota Rules 5000.3580. Please refer to the Rules for detailed responsibilities.*

Our EEO manager has responsibility for implementing and monitoring our affirmative action programs. Department heads, managers, and supervisors are responsible for providing the EEO manager with information and/or statistical data as necessary to measure our good faith efforts to implement our

programs. In addition, they are also responsible for submitting formal reports to the EEO Manager on a scheduled basis regarding the degree to which corporate or unit goals are attained and timetables are met.

At least annually, internal audit reports will be prepared in table format and dated. Data collected for these reports will include applicant flow, new hires, promotions, transfers, and terminations (voluntary and involuntary) by job group. Figures for each personnel process must show a breakdown by sex, minority classification, and disability status. Reports will be disseminated to appropriate levels of management, and any problem areas will be addressed as promptly as possible.

We will preserve all audit data and other applicable documentation and information available as required by law to the Minnesota Department of Human Rights and other government agencies.

Also, once a year we will submit to the Minnesota Department of Human Rights, on or before, the anniversary date of our Workforce Certificate of Compliance, our **Annual Compliance Report** as required under Minnesota Administrative Rule 5000.3580 for the company's regular workforce.

Click [Annual Compliance Report Form](#) to link to the reporting packet.

## **WORKFORCE ANALYSIS**

*Workforce Analysis details can be found under [Minnesota Administrative Rule 5000.3450](#). Please refer to this rule for detailed responsibilities.*

### **Availability/Utilization/Underutilization Analysis**

The affirmative action plan must include a workforce analysis based on data that is no more than one year old, including a listing of each job title as it appears in your payroll records ranked from the lowest to the highest paid in each department. If there are separate work units or lines of progression within a department, a separate list must be provided for each work unit, or line, including unit supervisors.

**Minnesota Department of Human Rights  
Affirmative Action Plan Progress Report - AUUA**

Date 4/8/23

Worksheet for comparing incumbency to availability and setting goals for the upcoming AA Plan year to correct underutilizations

Company name: Big Lake Schools

Job Group	Total Employees in Job Group	Women						People of Color & Indigenous People					
		Utilization		Availability		Number Under-utilized	Annual % Goal	Utilization		Availability		Number Under-utilized	Annual % Goal
		Number	%	%	Number			Number	%	%	Number		
Officials and Managers	34	24	70.6	37.10	12	0	1	2.9	7.30	2	1	7.30%	
Professionals	323	231	71.5	71.90	232	1	71.90%	8	2.5	9.90	31	23	9.90%
Technicians	5	1	20.0	27.50	1	0	0	0.0	17.80	0	0	0	0
Sales	0	0						0					
Office/Clerical	166	148	89.2	71.90	119	0	6	3.6	9.90	10	10	9.90%	
Skilled Craft	0	0					0						
Operatives	0	0					0						
Laborers	15	3	20.0	36.70	5	2	36.70%	0	0.0	23.70	3	3	23.70%
Service Workers	128	108	84.4	78.80	100	0	5	3.9	17.10	21	16	17.10%	
Totals	671	515			469	3		20			73	53	

**GOALS AND TIMETABLES**

We will make a good faith effort to achieve the availability percentages for people of color or women in any and all job group(s) where we have identified underutilization. We will continue good faith efforts to recruit and retain individuals with disabilities in all levels of our workforce.

**PROBLEM AREA IDENTIFICATION**

Big Lake Schools periodically conducts an in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunity may exist. We evaluated:

1. Workforce composition by job group: we have identified underutilization in our availability/utilization/underutilization analysis (AUUA) and we have set goals to remedy that underutilization.
2. Personnel activity: We will routinely conduct adverse impact analyses using the "Eighty Percent Test" or other statistical methods to analyze our personnel activities, including applicant flow, hires, promotions, terminations and other personnel actions, to determine if there are selection disparities between men and women, people of color, nonminority (and within specific racial groups, if appropriate), or disabled and nondisabled applicants or employees. For tests are used as a part of our selection process, we confirm these tests are job-related and are validated. We have taken corrective action to remove any barriers to hiring or retaining women, people of color, or individuals with disabilities.

3. Compensation system: We will routinely review our compensation system, including rates of pay and bonuses, to determine whether there is any gender, race, ethnicity, or disability-based disparities. If any disparities are identified, we take prompt action to resolve the disparity. In offering employment to individuals with disabilities, we will not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.
4. Personnel procedures: We will routinely review all of our personnel procedures and processes, including selection, recruitment, referral, transfers and promotions, seniority provisions, apprenticeship programs and company-sponsored training programs and other company activities to determine if all employees or applicants are fairly considered.
5. Any other areas that might impact the success of our Affirmative Action Program: We continually analyze any other areas that may impact our success, such as accessibility of our facility to the available workforce, the attitude of our current workforce towards EEO, proper posting of our EEO policy and required governmental posters, proper notification of our subcontractors or vendors, and retention of records in accordance with applicable law. We take prompt action to remedy any problems in these areas through training of staff or other methods.

## **ACTION-ORIENTED PROGRAMS**

**Measures to Facilitate Implementation of Equal Employment Opportunity Policy and Affirmative Action Programs for Women, People of color and Individuals with disabilities.** See *Minnesota Administrative Rule 5000.3480.*

### **Selection Process**

We will evaluate our selection process using an adverse impact analysis to determine if our requirements screen out a disproportionate number of people of color, women, or individuals with disabilities. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will be carefully selected and trained to ensure that there is a commitment to the affirmative action program and its implementation.

***Schedule for Review of Job Requirements:*** We will annually review all physical and mental job requirements to ensure that these requirements do not tend to screen out qualified individuals with disabilities. We will determine whether these requirements are job-related and are consistent with business necessity and the safe performance of the job, and we will remove any physical or mental requirements that do not meet these criteria. Any job descriptions or requirements changed after review will be distributed to all relevant employees, particularly those involved in the selection process and supervision of employees.

***Pre-Employment Medical Examination:*** If we require medical examinations or inquiries as a part of our selection process, all exams or inquiries will be conducted after a conditional offer of employment. Only job-related medical examinations and inquiries will be conducted, and the results of these

examinations or inquiries will not be used to screen out qualified individuals with disabilities. Information obtained in response to such inquiries or examinations will be kept confidential except that (a) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding accommodations, (b) first aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment, and (c) officials, employees, representatives, or agents of the Minnesota Department of Human Rights or local human rights agencies investigating compliance with the act or local human rights ordinances will be informed if they request such information.

## **Accommodations to Physical and Mental Limitations of Employees**

We will make reasonable accommodations to the physical and mental limitations of an employee or applicant unless such an accommodation would impose an undue hardship on the conduct of the business.

## **Recruitment of Employees**

1. All solicitation or advertisements for employees will state that applicants will receive consideration for employment regardless of their race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance. When needed, to help address underutilization, help wanted advertising will also be placed in news media oriented towards women or people of color. Copies of advertisements for employees will be kept on file for review by enforcement agencies.
2. When we place help-wanted advertisements, we will not indicate a preference, limitation, or specification based on sex, age, national origin, or other protected characteristic, unless that characteristic is a bona fide occupational qualification for a particular job. We will not allow any employment agency with which we work to express any such limitation on our behalf, and we will require that these agencies share our commitment to Equal Employment Opportunity.
3. All positions for which we post or advertise externally will be listed with State of Minnesota Workforce Centers, America's Job Bank, or similar governmental agencies.
4. We will request the Minnesota Department of Employment and Economic Development to refer qualified individual with disabilities for employment consideration under our affirmative action programs in accordance with Minnesota Administrative Rule 5000.3557.
5. As necessary to ensure that potential candidates are aware of job openings, we will contact community organizations focused on the employment of women, people of color, and individuals with disabilities (including state vocational rehabilitation agencies or facilities, sheltered workshops, college placement offices, education agencies, or labor organizations).
6. We will keep documentation of all contacts made and responses received, in connection with paragraphs 4 and 5 above, whether formal or informal. We will make every effort to give these agencies a reasonable amount of time to locate and refer applicants

7. We will carry out active recruiting programs at relevant technical schools and colleges, where applicable.
8. We will encourage existing people of color, female and disabled employees to recruit additional candidates for employment opportunities.
9. *Consideration of people of color and women not currently in the workforce:* We will take additional steps to encourage the employment of women, people of color and individuals with disabilities who are not currently in the workforce, such as providing part-time employment, internships, or summer employment programs.

### **Training Programs**

People of color, female and employees with disabilities will be afforded full opportunity and will be encouraged to participate in all organization sponsored educational and training programs.

We will seek the inclusion of qualified people of color, female and disabled employees in any apprenticeship program in which we participate.

### **Promotion Process**

Our promotion process has been developed and documented and only legitimate qualifications are considered in our promotion decisions. We will conduct adverse impact analyses to ensure that women, people of color, and employees with disabilities are promoted at rates substantially similar to men, non-people of color, and individuals without disabilities.

### **Termination Process**

We use progressive discipline before terminating employees, where appropriate. All employees are made aware of our discipline process. We will conduct adverse impact analyses to ensure that women, people of color, and employees with disabilities do not leave our company at rates substantially dissimilar to those of men, non-people of color, and employees without disabilities.

### **Religion and National Origin Discrimination and Accommodation for Religious Observance and Practice**

As a part of our commitment to Equal Employment Opportunity for all, we have made a specific effort to ensure that national origin and religion are not factors in recruitment, selection, promotion, transfer, termination, or participation in training. The following activities are undertaken to ensure religion and national origin are not used as a basis for employment decisions:

1. Recruitment resources are informed of our commitment to provide equal employment opportunity without regard to national origin or religion.
2. Our employees are informed of our policy and their duty to provide equal opportunity without regard to national origin or religion.

3. Employment practices exist and are reviewed to ensure that we implement equal employment opportunity without regard to national origin or religion.
4. The religious observances and practices of our employees are accommodated, except where the requested accommodation would cause undue hardship on the conduct of our business.
5. We do not discriminate against any qualified applicant or employee because of race, color, creed, disability, age, sex, sexual orientation, marital status, or status with regard to public assistance in implementing the policy concerning non-discrimination based on national origin or religion.

### **Sex Discrimination Guidelines**

We incorporate the following commitments into this AAP to ensure that all laws related to the prohibition of discrimination based on sex are followed:

1. Employment opportunities and conditions of employment are not related to the sex of any applicant or employee. Salaries are not related to or based upon sex.
2. Women are encouraged to attend all training or development programs to facilitate their opportunities for promotion, and to apply for all positions for which they are qualified.
3. We do not deny employment to women or men with young children and do not penalize, in conditions of employment, women or men who require time away from work for parental leave.
4. Appropriate physical facilities are provided to both sexes.

### **Prevention of Harassment and Discrimination**

Our company has developed policies prohibiting the harassment of or discrimination against any employee because of any characteristic protected under civil rights laws. Senior management will distribute these policies routinely to current employees and incorporate these policies as a part of new employee orientation. Employees are made aware of contact persons to report any violation of these policies.

## **ANTI-HARASSMENT POLICY**

### **HARASSMENT AND VIOLENCE**

Big Lake Schools prohibits any form of harassment or violence by any student, Board of Education members, district employee, agents, volunteers, contractors or persons subject to the supervision and control of Big Lake Schools.

#### **I. GENERAL STATEMENT OF POLICY**

- A. The policy of the Big Lake School District 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, gender identity, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. 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, including gender identity or expression, or disability.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses 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, including 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. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel 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, including gender identity or expression, or disability.
- D. The Big Lake 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, including gender identity or expression, or disability, 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.

## II. DEFINITIONS:

### A. Assault

1. An act done with intent to cause fear in another of immediate 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 the 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, 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, including gender identity or expression, or disability 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" means any condition or characteristic that renders a person a disabled person. A disabled person 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. 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. "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.
  4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
  5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
  6. "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, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.
  7. "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. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. 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 student(s) by teachers, administrators, or other school district 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 sexual orientation, including gender identity or expression.

#### G. 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.

#### H. Violence Definition

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, including gender identity or expression, or disability.

## II. Reporting Procedures

- A. Any person who believes he or she has been the target or victim of harassment or violence basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. For the purpose of this section, "principal" refers to the primary site administrator and/or any other person specifically designed to handle these duties.
- C. The Big Lake School District encourages but does not require 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.
- D. In each school building: the principal is the person responsible for receiving oral or written reports of violations of this policy at the building level. Any adult District personnel who receive a report of harassment or violence shall inform the building principal immediately. If the complaint involves the building principal, the complaint shall be filed directly with the District's Human Rights Officer.
- E. In the case of student complaints, the principal shall make the determination as to whether the alleged act constitutes a violation of the Discipline Policy or a violation of the Harassment and Violence Policy. If the involved parties are in disagreement with the determination made by the principal, the complaint shall be forwarded immediately to the District Human Rights Officer.

- F. Upon determining that the allegations, if true, constitute harassment or violence, the principal shall see that the report is reduced to writing and shall promptly forward it to the District Human Rights Officer.
- G. The Big Lake Schools Human Rights Officer: If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent. The District shall conspicuously post the name of the Human Rights Officer, including their mailing addresses and telephone numbers.
- H. Non-retaliation: the submission of a good faith complaint or report of religious, racial or sexual harassment or violence or hazing will not affect the submitter's future employment, grades or work assignments.
- I. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- J. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- K. The Big Lake School District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- L. False accusations or reports of violence or harassment against another person are prohibited.

### **III. Consequences**

- A. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.

- B. Consequences for students who commit, or are a party to, prohibited acts of violence or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.
- C. Consequences for employees who permit, condone, or tolerate violence or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.
- D. Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

#### **IV. Investigation**

- A. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- B. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- C. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- D. The alleged perpetrator of the act(s) of harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- E. The investigation will be completed as soon as practicable. The school principal shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

#### **V. School District Action**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
  
- B. The Big Lake School District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
  
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district shall, where determined appropriate by the child's individualized education program (IEP) or Section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of harassment or violence.

## **VI. Retaliation or Reprisal**

The Big Lake School District will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, 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. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

## **VII. 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.

## **VIII. 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. § 626.556 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.

**IX. Dissemination of Policy and Training**

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.

**Rationale:** *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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.*

**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.031 (School Student Bullying Policy)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- Minn. Stat. § 609.341 (Definitions)
- Minn. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
- 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
- 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:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
 MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
 MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
 MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)



MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

## **PROBLEM RESOLUTION POLICY**

\*See employment agreement\* In the absence of a Problem Resolution or a Grievance policy in your employment agreement, follow policy outlined below.

In any organization, dissatisfaction may arise because an employee does not know, understand, or agree with certain policy interpretations or management decisions. Such dissatisfactions are commonly referred to as grievances. At Big Lake Schools, we believe that if any employee has a grievance concerning his/her wages, hours of work, or other terms or conditions of employment, the matter should receive attention from management.

An employee who feels aggrieved is urged to take the matter up immediately with his/her supervisor. Your supervisor is required to investigate your grievance and provide you a response or decision within a reasonable period of time. This investigation may consist of, but is not limited to, gathering information from other employees involved, reviewing company policy, and any other action necessary to understand the matter completely.

If you are not satisfied with the response/decision from your immediate supervisor, you are encouraged to notify the next level of management in writing. This next level of supervision will have a reasonable period of time in which to investigate the matter and respond to you in writing.

If, after these steps are taken, you believe inadequate action has been taken to resolve your complaint, contact the Human Resources Manager. It is the policy of this organization to respond to any and all complaints, and to take immediate and necessary actions to resolve the issue.

There will be no adverse action taken against a complaining employee as a result of making the complaint, regardless of the outcome of the investigation.

If you have a problem which is more specifically addressed by the Anti-Harassment Policy, please follow the procedure described in the Anti-Harassment Policy section.