

[Note: State law (Minnesota Statutes, section 121A.03) requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act - Minnesota Statutes, section 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minnesota Statutes, section 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minnesota Statutes, section 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]

[Note 2: In 2023, the legislature enacted requirements (Minnesota Statutes 121A.0312) that require school districts to adopt policy terms prohibiting 'malicious and sadistic conduct' on the basis of protected classifications. MSBA has incorporated those terms into MSBA Model Policy 514 - Bullying Prohibition, which applies to student conduct. Because of the applicability of the 'malicious and sadistic conduct' terms to staff members as well as students, Forest Lake Area Schools has chosen to incorporate these provisions into this policy.]

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment free from harassment, violence, and malicious and sadistic conduct 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 disability (Protected Class) and to prohibit sexual exploitation.

II. GENERAL STATEMENT OF POLICY

A. The policy of Independent School District No. 831 (the "School District") is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The School District prohibits any form of harassment or violence on the basis of Protected Class.

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 Protected Class, 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 Protected Class.

D. Malicious and sadistic conduct involving Protected Class is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

E. Sexual exploitation is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.

F. The School District will act to investigate all complaints, either formal or informal, verbal or written, of harassment, violence, or malicious and sadistic conduct based on a person's Protected Class, or of sexual exploitation, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel found to have violated this policy. Disciplinary measures must be consistent with any applicable collective bargaining agreement(s) and Minnesota Statutes sections 121A.41 to 121A.56 (Pupil Fair Dismissal Act).

III. DEFINITIONS

A. "Assault" is:

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 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

These definitions reflect requirements as established by state and federal laws.

1. "Disability" means, with respect to an individual who:
 - a. a physical, sensory, or mental impairment that materially limits one or more major life activities of such individual;
 - 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 or discrimination 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 or discrimination 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 to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity.
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.
8. "Race" is inclusive of traits associated with race, including but not limited to hair texture and hair styles such as braids, locs, and twists.
9. "Gender identity" means a person's inherent sense of being male, female, or otherwise.

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, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel who are the target or victim of acts of harassment or violence.

F. Sexual Harassment; Definition

1. Sexual harassment includes 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 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 that involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statutes, - section 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;
 - 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 an individual's Protected Class.

I. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the target or victim of conduct prohibited by this policy by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute conduct prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, 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 that may constitute prohibited conduct anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

B. The School District encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the School District office, but oral reports shall be considered complaints as well.

C. Nothing in this policy shall prevent any person from reporting prohibited conduct directly to a School District Human Rights Officer or to the Superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.

D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving oral or written reports of conduct prohibited by this policy at the building level. Any adult School District personnel who receives a report of conduct prohibited

by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the School District human rights officer by the reporting party or complainant. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters.

E. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts that violate this policy. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute a violation of this policy shall make reasonable efforts to address and resolve the conduct and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may violate this policy or who fail to make reasonable efforts to address and resolve the conduct in a timely manner may be subject to disciplinary action.

F. Upon receipt of a report, the building report taker must notify the School District Human Rights Officers immediately, without screening or investigating the report. The building report taker may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the building report taker to the Human Rights Officers. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officers. Failure to forward any report or complaint as provided herein may result in disciplinary action against the building report taker.

G. In the District. The School Board hereby designates the Director of Administration and Human Resources and the Director of Special Education as the School District Human Rights Officers to receive reports or complaints of conduct prohibited by this policy. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent.

H. The School District shall conspicuously post the name of the Human Rights Officers, including mailing addresses and telephone numbers.

I. Submission of a good faith complaint or report of conduct prohibited by this policy will not affect the complainant or reporter's future employment, grades or work assignments, or educational or work environment.

J. Use of formal reporting forms is not mandatory.

K. Reports of conduct 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.

L. The 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.

M. Retaliation against a victim, good faith reporter, or a witness of prohibited conduct is prohibited.

N. False accusations or reports of prohibited conduct against another person are prohibited.

O. A person who engages in an act of prohibited conduct, 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.

Consequences for students who commit, or are a party to, acts prohibited by this policy 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.

Consequences for employees who permit, condone, or tolerate prohibited conduct or engage in an act of reprisal or intentional false reporting of prohibited conduct may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts in this policy may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

V. INVESTIGATION

A. By authority of the School District, the Human Rights Officers, within three (3) days of the receipt of a report or complaint alleging conduct prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.

B. 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.

C. 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 the surrounding circumstances.

D. 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.

E. The alleged perpetrator of the act(s) shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

F. The investigation will be completed as soon as practicable. The School District Human Rights Officers 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.

VI. SCHOOL DISTRICT ACTION

A. Upon completion of the 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 (including, but not limited to Minnesota Statutes sections 121A.41 to 121A.56 (Pupil Fair Dismissal Act), and school district policies and regulations.

B. The 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 targets or victims and alleged perpetrators of prohibited conduct, the parent(s) or guardian(s) of targets or victims of prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of prohibited conduct 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 prohibited conduct 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 prohibited conduct.

VII. RETALIATION OR REPRISAL

The 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 conduct prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such prohibited conduct. 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 prohibited conduct. Remedial responses to the prohibited conduct shall be tailored to the particular incident and nature of the conduct.

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 or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

IX. PROHIBITED CONDUCT AS ABUSE

A. Under certain circumstances, alleged prohibited conduct may also be possible abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statutes - Chapter 260E may be applicable.

B. Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged prohibited conduct or abuse.

X. 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. A summary of this policy shall appear in the student handbook. This policy shall be referenced in the employee handbook with an indication that the policy is available online or a printed copy is available upon request.
- 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, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal laws.

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. Ch. 260E (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 (Section 504 of the Rehabilitation Act of 1973)
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 535 (Equal Educational Opportunity)

Policy 412 (Equal Employment Opportunity)
 Policy 432 (Disability Nondiscrimination Policy)
 Policy 406 (Public and Private Personnel Data)
 Policy 522 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 Policy 414 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 Policy 515 (Student Discipline)
 Policy 505 (Use of Student Records)
 Policy 510 (Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process)
 Policy 540 (Technology Acceptable Use and Safety Policy)
 Policy 419 (Prohibiting Discrimination)
 Policy 541 (Bullying Prohibition)
 Policy 431 (Hazing Prohibition)

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INDEPENDENT SCHOOL DISTRICT NO. 831
HARASSMENT AND VIOLENCE REPORT FORM

Reports can be made anonymously if you don't want to identify yourself. However, it would be helpful if you did provide your name so that we can clarify details for our investigation.

General Statement of Policy Prohibiting Harassment and Violence

Independent School District No. 831 maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees 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 and expression, or disability is strictly prohibited. All persons are to be treated with respect and dignity. 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 and expression, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Basis of Alleged Harassment/Violence - circle as appropriate: race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation, including gender identity and expression \ disability

Name of person you believe harassed or was violent toward you or another person or group.

If the alleged harassment or violence was toward another person or group, identify that person or group.

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e., threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (Attach additional pages if necessary.)

Where and when did the incident(s) occur? _____

List any witnesses that were present _____

This complaint is filed based on my honest belief that _____ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

(Complainant Signature)

(Date)

Received by _____

(Date)