

# Employee Handbook



## OUR MISSION

Columbia Heights Public Schools  
Creating worlds of opportunity for each and every learner  
"All Belong, All Succeed"

## Columbia Heights Public Schools Staff:

Our district serves the communities of Columbia Heights, Southern Fridley and Hilltop, Minnesota. We are a small diverse District, with five schools and approximately 3,400 PreK-12 learners. Columbia Heights Public Schools is focused on creating worlds of opportunity for each and every learner, where all belong and all succeed.

This employee handbook will provide answers and guidance during your employment with Columbia Heights Public Schools. If you have any questions that are not addressed in this handbook please contact the Human Resources Department for assistance.

Please keep in mind that this handbook provides a set of guidelines for your employment and is not inclusive of all workplace policies and rules. Your individual contract of employment or an applicable collective bargaining agreement also governs the terms and conditions of your employment.

**THIS EMPLOYEE HANDBOOK IS NOT A CONTRACT BETWEEN YOU AND THE SCHOOL DISTRICT AND CANNOT BE ENFORCED AS SUCH.**

I am happy you have chosen to become a Hylander and join the Columbia Heights Public Schools staff. I wish you success in your career with the district.

Sincerely,

A handwritten signature in black ink, appearing to read 'Z Stenvik', with a stylized, cursive script.

Zena Stenvik  
Superintendent  
Columbia Heights Public Schools

This employee handbook provides information you will find useful during your employment with Columbia Heights Public Schools. Please direct any questions regarding this employee handbook to Lindsey Bennett, Human Resources Director at 763-528-4516.

In the handbook, certain sections summarize key points of School Board Policies. Please refer to the full policy available at [www.colheights.k12.mn.us](http://www.colheights.k12.mn.us). It is important to review the entire policy to ensure full understanding and compliance. If you do not have access to the internet, please see the Secretary at your building of assignment for assistance in locating a computer with internet access.

**Please be aware of the following disclaimers of this employee handbook:**

- **This handbook does not create a contract and should not be interpreted as creating a contract, either expressed or implied.**
- **This handbook does not alter the “at-will” employment relationship that exists between certain employees and the school district. Neither this handbook nor any of the benefits described herein guarantee employment for any period of time.**
- **Employees under a Collective Bargaining Agreement (i.e., Clerical Master Agreement, Food Service Master Agreement, Education Assistant Master Agreement, Teacher Master Agreement, Custodial Master Agreement, and Principal Master Agreement) are not considered “at-will” employees.**
- **Terms and conditions of employment are governed by applicable federal, state, and local laws. In the event any policy in the handbook is in conflict with applicable law, the law will prevail.**
- **This handbook does not confer upon any employee the right to file any grievance. Nor are its terms or the Policies contained herein subject to the grievance procedure outlined in any applicable collective bargaining agreement.**
- **This handbook provides a set of guidelines for your employment and is not inclusive of all workplace policies and rules. All employees are expected to abide by School District policies, rules, regulations, directives, and orders.**
- **This handbook applies to all employees of Columbia Heights Public Schools.**
- **This handbook supersedes and replaces any previous handbooks regarding the terms and conditions of your employment.**
- **This handbook may be changed and any of the components may be discontinued at any time without prior notice.**

## **Contacts**

### **Human Resources Contacts**

Lindsey Bennett, Human Resources Director  
763-528-4516 or bennettl@colheights.k12.mn.us

Elizabeth Bruchu, Human Resources Manager  
763-528-4418 or bruchue@colheights.k12.mn.us

Heather Lynch, Benefits Specialist  
763-528-4584 or lynchh@colheights.k12.mn.us

Heidi Sell, Human Resources/Finance Administrative Assistant  
763-528-4588 or sellh@colheights.k12.mn.us

### **Payroll**

Jordan Hoppe, Payroll Accountant  
763-528-4531 or hoppej@colheights.k12.mn.us

Bryan Hennekens, Director of Finance and Operations  
763-528-4502 or hennekeb@colheights.k12.mn.us

### **Union Steward Contacts**

<b>Teachers:</b>	Daniel Honigs Local #710
<b>Education Assistants:</b>	Jessica Krause Local #284
<b>Clerical:</b>	Sarah Durst and Kari Martin Local #284
<b>Custodians:</b>	Craig Larson and Barb Terrell Local # 284
<b>Food Service:</b>	Deb Vera Local #284

Contact your union steward right away when you begin working, as there may be union dues that need to be set up before you are paid, in order to avoid catch-up payments on subsequent checks.

## TABLE OF CONTENTS

District Mission Statement.....	1
Core Values .....	1
School Board of Education Equity Statement.....	1
About Our Schools .....	1
Start and End Times .....	1
Equal Opportunity Employment.....	2
Harassment and Violence .....	2-3
Title IX Policy .....	3-4
Respect in the Workplace .....	4
Disability Nondiscrimination .....	4-5
Drug-Free Workplace/Drug-Free School.....	5-6
Chemical Use/Abuse.....	6
Tobacco-Free Environment.....	6-7
School Weapons Policy.....	7
Bullying Prohibition Policy Including Cyberbullying .....	7-8
Hazing Prohibition .....	8
Gifts to Employees and School Board Members .....	8
Mandated Reporting of Child Neglect, Physical or Sexual Abuse .....	8-9
Mandated Reporting of Maltreatment of Vulnerable Adults .....	9
Employee Time Records .....	9
Federal/State Wage and Hour Laws .....	10
Employee Wage Disclosure Protections .....	10
Nursing Mothers, Lactating Employees and Pregnancy Accommodations .....	10-11
Minnesota Sick and Safe Leave Law .....	11
Pay Equity .....	11
Employee Benefits .....	11-15
Genetic Information Nondiscrimination Act (GINA) .....	15
Employee Health and Safety Training .....	15
Vaccination .....	15-16
Employee Right to Know – Exposure to Hazardous Substances.....	16
Asbestos Management .....	16-17
Indoor Air Quality.....	17
Pest Control Materials.....	17
Lead in Water.....	17-18



Employee Leave .....	18-21
Technology and Internet Acceptable Use and Safety.....	21
Employee-Student Relationships Policy.....	22
Identification Badges/Prox Cards.....	22
Solicitation .....	22-23
Voting .....	23
Employee Publications, Instructional Materials, Inventions and Creations.....	23
Discipline, Suspension, and Dismissal of School District Employees.....	23
Termination/Resignation .....	23-24
Criminal Background Checks .....	24
I-9 Compliance .....	25
Pay Schedule .....	25
Direct Deposit.....	25
Jury Duty.....	25
Personal Information Changes.....	25-26
Parking .....	26
Emergency School Closings and E-Learning Days.....	26
Personnel and Employee Files .....	26-27
Job Postings .....	27
Nepotism .....	27
Appearance/Grooming .....	27
Customer Service.....	27-28
Travel/Business Expense Reimbursement.....	28-29
Employee Evaluations.....	29
Staff Driving Staff in Medical Emergencies .....	29
Media Requests for Information .....	29
Visitor Procedures.....	29-30
References .....	30
Appendix .....	31

### **District Mission Statement**

Creating worlds of opportunity for each and every learner “All Belong, All Succeed.”

### **Core Values**

- Community
- Excellence
- Collaboration
- Integrity
- Respect
- Courage
- Innovation

### **School Board of Education Equity Statement**

The Columbia Heights Public Schools Board is committed to equitable school governance. Refer to the appendix for the School Board approved equity statement.

### **About Our Schools**

The Columbia Heights School District serves approximately 3,400 students in grades PreK-12 at the following locations.

North Park School for Innovation	PreK-5	5575 Fillmore St. NE	763-528-4300
Highland Elementary	PreK-5	1500 49 <sup>th</sup> Ave. NE	763-528-4400
Valley View Elementary	PreK-5	800 49 <sup>th</sup> Ave. NE	763-528-4200
Columbia Academy	6-8	900 49 <sup>th</sup> Ave. NE	763-528-4701
Columbia Heights High School	9-12	1400 49 <sup>th</sup> Ave. NE	763-528-4600
Columbia Heights Family Center	ECFE/ECSE	1460 49 <sup>th</sup> Ave. NE	763-528-4517

### **Start and End Times**

The times listed below indicate the start and end times for each school. Employee start and end times may be different than the start and end times listed below. Staff should contact their supervisor/building principal if they have any questions regarding their start and end times.

	<b>Classes Begin</b>	<b>Classes End</b>
<b>North Park</b>	7:55 AM	2:20 PM
<b>Highland</b>	7:55 AM	2:20 PM
<b>Valley View</b>	7:55 AM	2:20 PM
<b>Columbia Academy</b>	8:20 AM	3:15 PM
<b>Columbia Heights H.S.</b>	8:20 AM	3:05 PM

### **Equal Opportunity Employment**

It is the school district's policy to provide an equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status or veteran status. The school district also makes reasonable accommodations for disabled employees.

This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities or privileges of employment.

It is the responsibility of every school district employee to follow this policy. Refer to **School Board Policy 401 *Equal Employment Opportunity*** for more information.

### **Harassment and Violence**

The purpose of the *Harassment and Violence* policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability (Protected Class). The school district prohibits any form of harassment or violence on the basis of Protected Class.

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 include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)

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.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence, based on a person's Protected Class, 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.

Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class 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 or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to the principal, the Human Rights Officer or the Assistant Superintendent per the reporting procedures in School Board Policy 413 *Harassment and Violence*.

Refer to **School Board Policy 413 *Harassment and Violence*** in the appendix of the Employee Handbook for more information.

### **Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process**

Columbia Heights Public Schools does not discriminate on the basis of sex in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirements not to discriminate in its education programs or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of the sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

This policy applies to sexual harassment that occurs within the school district's education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

"Sexual harassment" means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:

1. Quid pro quo harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
2. Unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or
3. Any instance of sexual assault as defined by (as defined in the Clery Act, 20 United States Code section 1092(f)(6)A(v)), dating violence, domestic violence,

or stalking (as defined in the Violence Against Women Act, 34 United States Code section 12291).

Any employee who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.

Columbia Heights Public Schools Title IX Coordinator is Bondo Nyembwe, Assistant Superintendent. 763-528-4519, 1440 49<sup>th</sup> Avenue NE, Columbia Heights, MN 55421, nyembweb@colheights.k12.mn.us.

Refer to **School Board Policy 522 Title IX Sex Nondiscrimination Policy, Grievance Procedure and Process** in the appendix of the Employee Handbook for more information.

### **Respect in the Workplace**

Columbia Heights Public Schools is a community of diverse races, creeds, cultures, and social affiliations. The district is committed to promoting and supporting a community where all people can work and learn together in an atmosphere free of disrespectful, abusive, or demeaning treatment. The district values each member of the Columbia Heights Public Schools community for their individual and unique talents, and applauds all efforts to enhance the quality of the school district. The district strives to maintain a climate of mutual respect and support constructive strategies for conflict resolution.

As a community of learners, faculty and staff of the school district are expected to practice basic principles of mutual respect by:

1. Valuing each other's work and roles
2. Behaving in ways that shows respect toward co-workers
3. Developing relationships built on trust
4. Promoting a climate that is fair, supportive, and responsive
5. Creating a welcoming environment through our words, actions, and physical surroundings
6. Encouraging open and honest communication
7. Celebrating our differences

Refer to **School Board Policy 422.1 Respect in the Workplace** for more information.

### **Disability Nondiscrimination**

The school district shall not discriminate against qualified individuals with disabilities, because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms,

conditions, and privileges of employment. The school district shall make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.

Job applicants or employees wishing to discuss the need for a reasonable accommodation or other matters related to a disability or the enforcement and application of the *Disability Nondiscrimination Policy* should contact Human Resources.

The school district shall make reasonable accommodations for pregnant employees, unless the accommodation would impose undue hardship on the operation of the business of the school district.

Refer to **School Board Policy 402 *Disability Nondiscrimination Policy*** for more information.

### **Drug-Free Workplace/Drug-Free School**

The school district maintains a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and controlled substances without a physician prescription.

Use or possession of alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), and controlled substances before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.

A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, medical cannabis, nonintoxicating cannabinoids (including edible cannabinoid products), or controlled substances in any school location.

Employees who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, nonintoxicating cannabinoids, or edible cannabinoid products, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.

**The school district retains the right to have employees tested for alcohol or drug use or for being under the influence while at work.**

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

Employees who violate this policy will be subject to disciplinary action, including nonrenewal, suspension, termination, or discharge as deemed appropriate by the school board. Employees who violate this policy may also be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district.

Refer to **School Board Policy 418 *Drug-Free Workplace/Drug-Free School*** for more information.

### **Chemical Use/Abuse**

The school district recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well-being of students and employees and significantly impedes the learning process. Chemical use and abuse also creates significant problems for society in general.

Use or possession of controlled substances, toxic substance, medical cannabis and alcohol before, during, or after school hours, at school or any other school location, is prohibited in accordance with school district policies with respect to Drug-Free Workplace/Drug-Free School.

- The district has an Employee Assistance Program with information on our website. In addition, the district insurance may cover counseling or rehabilitation. For more information reach out to Heather Lynch, Benefits Specialist.
- Drug abuse violations in the workplace may include disciplinary action, including non-renewal, suspension, termination, or discharge as deemed appropriate by the school district.

Refer to **School Board Policy 417 *Chemical Use and Abuse*** for more information.

### **Tobacco-Free Environment**

The school district maintains a learning and working environment that is tobacco-free.

Students, teachers, administrators, and other school personnel are prohibited from smoking or using tobacco, tobacco-related devices, or carrying or using an activated electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus school district-sponsored events.

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

The school district will not knowingly solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. The school district will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

Refer to **School Board Policy 419 Tobacco-Free Environment** for more information.

### **School Weapons Policy**

The school district prohibits all individuals from possessing, using or distributing weapons, as defined under School Board Policy 501, when in a school location.

No person shall possess, use or distribute any object, device or instrument having the appearance of a weapon and such objects, devices or instruments shall be treated as weapons including, but not limited to, weapons which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.

No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, or discharge as deemed appropriate by the school board.

Refer to **School Board Policy 501 School Weapons** for more information.

### **Bullying Prohibition Policy Including Cyberbullying**

The school district intends to prevent student bullying by another student and to take action to investigate, respond to, and to remediate and discipline for those acts of student bullying which have not been successfully prevented.

No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate student bullying.

Additionally, all students, teachers, independent contractors, administrators, and other school personnel are prohibited from engaging in sexual exploitation, malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A.

All student bullying should be reported to the principal in each school building.

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

Refer to **School Board Policy 514 *Bullying Prohibition Including Cyberbullying*** in the appendix of the Employee Handbook for more information.

### **Hazing Prohibition Policy**

The purpose of the *Hazing Prohibition* Policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

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

Refer to **School Board Policy 526 *Hazing Prohibition*** in the appendix of the Employee Handbook for more information.

### **Gifts to Employees and School Board Members**

The *Gifts to Employees and School Board Members* Policy is designed to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts given to school district employees and school board members.

Employees may not solicit, accept, or receive either by direct or indirect means, a gift from a student, or other individual or organization of greater than nominal value. Additionally, Employees may not solicit, accept, or receive a gift from a person or entity doing business with or seeking to do business with the school district.

Employees who violate the provisions of this policy may be subject to discipline, which may include reprimand, suspension, and/or termination or discharge. Employees should confer with the administration for guidance related to the interpretation and application of this policy.

Refer to **School Board Policy 421 *Gifts to Employees and School Board Members*** for more information.

### **Mandated Reporting of Child Neglect, Physical or Sexual Abuse**

The *Mandated Reporting of Child Neglect, Physical or Sexual Abuse* Policy is intended to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

All school personnel who know or have reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years must immediately report the abuse and/or neglect.

A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.

Refer to **School Board Policy 414 *Mandated Reporting of Child Neglect, Physical or Sexual Abuse*** in the appendix of the Employee Handbook for more information.

### **Mandated Reporting of Maltreatment of Vulnerable Adults**

The *Mandated Reporting of Maltreatment of Vulnerable Adults* Policy is intended to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

All school personnel who know or have reason to know that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained, must immediately report the maltreatment.

A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.

Refer to **School Board Policy 415 *Mandated Reporting of Maltreatment of Vulnerable Adults*** in the appendix of the Employee Handbook for more information.

### **Employee Time Records**

Employees are required to submit an Employee Time Record under the following circumstances:

1. Under Minnesota Statutes, Chapter 177, Minnesota Fair Labor Standards Act (MFLSA): All non-exempt employees (those eligible for overtime pay) must complete a record of hours worked for each work day and week. Receipt of standard bi-weekly prorated salary payments does not eliminate this requirement. A time record must still be completed. (i.e., Custodians, Food Service, Educational Assistants, Clerical and misc. other employee positions)
2. Employees who are paid strictly from timesheets. (i.e., Community Education Program Assistants, Subs)
3. Employees who are submitting requests for payment for additional work performed (FLSA Exempt Status). This does not include work designated as stipend payments in the contracts.

Employee Time Records and completion guidelines are available online at [www.colheights.k12.mn.us](http://www.colheights.k12.mn.us) under the staff tab or by contacting the Payroll Department.



### **Federal/State Wage and Hour Laws**

Employees are either classified as exempt or non-exempt in accordance with the Fair Labor Standards Act. Non-exempt employees are eligible for overtime for all hours actually worked in excess of 40 hours per work week. This includes but is not limited to clerical employees, education assistant employees, food service employees, and custodial employees. Exempt employees are not eligible for overtime wages. Teachers are considered exempt employees.

Overtime is based on actual hours worked in a seven-day work week; Sunday through Saturday. Holiday hours, vacation time or sick leave hours are not counted in figuring overtime hours. Overtime is calculated at 1 ½ times the regular rate of pay

### **Employee Wage Disclosure Protections**

The law prohibits employers from (1) requiring employees not to disclose their own wages or conditions of employment; (2) requiring employees to sign a waiver that purports to deny their right to disclose their wages; or (3) taking adverse employment action against employees who disclose their own wages or discuss another employee's wages that were voluntarily disclosed by that employee.

Under the Minnesota Wage Disclosure Protection law, employees have the right to tell any person the amount of their own wages. The school district cannot retaliate against an employee for disclosing his or her own wages. An employee who believes his or her rights regarding wage disclosures have been violated may bring a civil action against their employer under Minn. Stat. section 181.172 and/or file a complaint with the Minnesota Department of Labor and Industry.

Nevertheless, an employee has the right to keep his or her personal wage information private or to choose to share this information with others. Nothing in the policy creates an obligation on the part of an employee to disclose his or her wages. An employee is free to refrain from discussing and may not be subject to retaliation of any kind for choosing not to discuss his or her wages.

The law does not permit employees to disclose proprietary information, trade secret information, or information that is otherwise subject to a legal privilege or protected by law without the written consent of the employer. Employees also are prohibited from disclosing wage information of other employees to an employer's competitor.

### **Nursing Mothers, Lactating Employees and Pregnancy Accommodations**

Employees have the right to request and receive reasonable accommodations for health conditions related to pregnancy or childbirth. Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break.

Please refer to the Appendix of this Handbook for the Nursing Mothers, Lactating Employees, and Pregnancy Accommodations Employee Notice.

Please work with your building supervisor to find appropriate space or contact Human Resources.

### **Minnesota Sick and Safe Leave Law**

Effective January 1, 2024, Minnesota's earned sick and safe time law requires employers to provide paid leave to qualifying employees. Please refer to the appendix of this Handbook for the Sick and Safe Time Fact Sheet.

### **Pay Equity Reporting**

State law requires all public jurisdictions including school districts to eliminate any gender-based wage inequities in compensation and submit reports to Minnesota Management and Budget every three years.

### **Employee Benefits**

The district provides an extensive benefits package. Please refer to your Employment Agreement or Collective Bargaining Agreement for benefits eligibility criteria and availability. The benefit plan year is from July 1<sup>st</sup> through June 30<sup>th</sup> of each fiscal year.

New hire employees have 30 days to enroll in district benefits from date of hire. Benefits are effective as of date of hire and retroactive premium deductions may apply.

BenefitBridge is our on-line enrollment hub. The site is accessible via the Internet at <https://www.benefitbridge.com/columbiaheightspublicschools> and can be accessed 24 hours a day, seven days a week. All insurance benefit elections and changes must be made online at this website. You are required to log on to this website to accept or waive your benefits.

Insurance benefits cannot be changed after your initial enrollment deadline date or outside of the open enrollment period unless you experience a qualifying life event status change that meets IRS regulations. This includes marriage, birth/adoption, divorce, death of a dependent, spouse employment/eligibility change. You will have 30 days from the date of the qualifying event to make any changes to your benefits as well as provide any required documentation to Keenan/BenefitBridge. The change will be effective as of the date of the qualifying life event and retroactive premium deductions may apply.

The benefit guide and plan documents are available on <https://www.benefitbridge.com/columbiaheightspublicschools> or by contacting the Heather Lynch in Human Resources, extension 4584.

**Benefit Contact Information***Login assistance:*

Keenan/BenefitBridge

Phone: 888-249-1039

Email: [benefitbridge@keen.com](mailto:benefitbridge@keen.com)

*Benefit Questions:*

Heather Lynch

Phone: 763-528-4584

Email: [lynchh@colheights.k12.mn.us](mailto:lynchh@colheights.k12.mn.us)

*Insurance benefit enrollment and changes:*

<https://www.benefitbridge.com/columbiaheightspublicschools>

**Medical/Dental Coverage**

Refer to your Collective Bargaining Agreement or Employment Agreement for information about your medical/dental coverage benefits and costs. For more information regarding medical/dental insurance please see the Benefits Guide or contact Heather Lynch at 763-528-4584.

Staff must be on an approved Family and Medical Leave Act leave, work at least one workday/contract day of the month or be in paid status for at least one workday/contract day during the month to receive 100% of the district contribution toward benefit premiums for the entire month. Staff that are out on a leave and do not work any workdays/contracts days or are not in paid status for at least one workday/contract day during a month are responsible to pay for the full premium for benefits for the entire month.

**COBRA**

COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. The cost is paid for by the covered person(s). This coverage, however, is only available when coverage is lost due to specific events. Group health coverage for COBRA participants is usually more expensive than health coverage for active employees. Please contact MedSurety at 952-303-5700 with any questions.

**Group Life**

Employees who work a minimum of .75 FTE (30 hours/week) receive group term life insurance coverage consistent with the respective Collective Bargaining Agreement or Employment Agreement. Additional coverage may be purchased for the employee, spouse, and dependents at the employee's expense. Refer to your Collective Bargaining Agreement or Employment Agreement for more information. Please see the Benefits Guide or Heather Lynch at 763-528-4584 with any questions.

### **Income Protection**

Employees who work a minimum of .75 FTE (30 hours/week) receive long-term disability coverage. Refer to your Collective Bargaining Agreement or Employment Agreement for more information. Please see the Benefits Guide or contact Heather Lynch at 763-528-4584 with any questions.

### **Flexible Benefits Program**

Employees can reduce their taxable income by designating a portion of their salary to be taken from each paycheck for expenses such as dependent care, medical costs, and dental costs. Employees can submit claims for allowable expenses and are reimbursed from their account. "Flex" amounts begin July 1 and end June 30 for the plan year. New employees may sign up for the balance of the current Flex Year at the time of their employment. Please see the Benefits Guide or contact MedSurety at 952-303-5700 or 1-888-816-4234 with any questions.

### **Workers Compensation**

When an employee is injured at work no matter the severity of the injury, the employee must submit an Employee Injury Report to Human Resources and have his/her supervisor complete the Supervisor's Report of Accident. These forms can be obtained through your building secretary, supervisor, Human Resources or on the district website. Contact Elizabeth Bruchu in Human Resources at 763-528-4418 if you have any questions.

Per the Minnesota Department of Labor and Industry, wage-loss claims are not paid until an employee has missed three consecutive calendar days of work due to a workplace injury. If an employee's inability to work due to a workplace injury continues for 10 calendar days then workers compensation would determine the wage loss amount to be paid for the entire time that an employee is away from work. Employees should reference their collective bargaining agreement for any exception to this rule.

It is important to note the following regarding Minnesota Workers Compensation benefits:

- Temporary total disability benefits are generally limited to 66% of an employee's average weekly wage at the time of injury, subject to statutory minimums and maximums.
- The waiting period is counted in consecutive calendar-days, not workdays.
- The first day of disability is the first day of the waiting period.
- Any disability (claimed lost time or wages), including a fraction of a day of disability, is considered the first day of disability regardless of whether the employee is paid in full by the employer for that day.
- Temporary partial disability, including time lost from work to obtain medical treatment for a work-related injury, is considered a day in which there is disability.

- If there is disability on the 10th calendar-day or beyond (from the first day of disability), compensation is owed from the first day of disability.
- If the only disability beyond the waiting period is for nonscheduled workdays, generally no compensation is owed for those non-workdays.

For more information, you may review <https://www.dli.mn.gov/business/workers-compensation/work-comp-disability-benefits-waiting-period>

### **Worker's Compensation Insurance Contact Information**

#### **UnitedHeartland**

Cory Girard - Claim Representative

[15200 W. Small Road](#)

[New Berlin, WI 53151](#)

Office: (262)787-7692 | Fax: (262) 787-7693

[Cory.Girard@unitedheartland.com](mailto:Cory.Girard@unitedheartland.com)

Policy Number 1400007361

1-800-258-2667

### **Retirement**

There are two statutory pension plans, TRA and PERA, both governed by the State of Minnesota. Both plans are Defined Benefit Plans. Questions should be directed to the appropriate organization at the contact information below:

#### *Licensed staff*

TRA – Teachers Retirement Association

60 Empire Drive, Suite 400

Saint Paul, Minnesota 55103-4000

Member Services: 651-296-2409

[www.minnesotatra.org](http://www.minnesotatra.org)

#### *Non-licensed staff*

PERA – Public Employees Retirement Association

60 Empire Drive, Suite 200

Saint Paul, Minnesota 55103-4000

Member Services: 651-296-7460

[www.mnpera.org](http://www.mnpera.org)

### **Tax Sheltered Annuities (403b, 403b Roth, 457)**

The School District has an approved list of vendors who provide tax sheltered programs for all employees. Please review your Collective Bargaining Agreement or Employment Agreement for participation and district match eligibility.

Both the approved vendor list and the Salary Reduction Agreement form are available online at <http://www.colheights.k12.mn.us/Page/336>, or by contacting the Benefits Specialist in HR.

### **Employee Assistance Program**

The district provides all employees with access to an Employee Assistance Program. This is a confidential service provided at no cost to you. Professional counselors are available to you – 24 hours a day, seven days a week – to help with life's most difficult issues.

More information is available on <https://www.colheights.k12.mn.us/Page/412> or counselors can be reached at 866-451-5465. Contact the Benefits Specialist in HR for more information.

### **Genetic Information Nondiscrimination Act (GINA)**

Title II of the Genetic Information Nondiscrimination Act (GINA) protects individuals against employment discrimination on the basis of genetic information. Genetic information is defined as:

- Information about an individual's genetic tests;
- Information about the genetic test of a family member;
- Family medical history;
- Requests for and receipt of genetic services by an individual or a family member; and
- Genetic information about a fetus carried by an individual or family member or of an embryo legally held by an individual or family member using assisted reproductive technology.

### **Employee Health and Safety Training**

All new hire employees will be required to complete the Columbia Heights Public Schools Health and Safety Training within the first 30 days of employment. Certain job classifications will be required to complete this training annually. All training needs to be completed within the first 30 days of the new school year or start date, whichever is earlier. Training can be accessed via the following web address, [colheights.mn.safeschools.com](http://colheights.mn.safeschools.com).

### **Vaccination**

Certain groups of employees are entitled to receive reimbursement for receiving the Hepatitis B vaccination series. If you are part of the following list and are interested in more information please contact the Human Resources, at 763-528-4588.

Athletic Coaches  
Agriculture Specialist

Back-up Person for Health Office (some Secretaries, Principals)  
Custodians  
Education Assistants  
Exercise Room Supervisor  
Food Service Employees  
School Nurses and Health Aides  
Substitute Nurses and Substitute Health Aides  
Special Education Staff (Only designated employees: EBD, DCD & ECSE teachers)  
Lifeguards and Swimming Instructors  
Principals/Assistant Principals/Dean of Students  
Art/Science/Tech Ed Teachers (Columbia Academy and High School only)  
Van Drivers  
Adventure Club Staff/Mini Adventures  
Early Childhood Staff (ECFE, PreK, ECSE)  
Swimming Instructors

### **Employee Right to Know – Exposure to Hazardous Substances**

The district strives to provide employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. The district will provide training to employees who may be routinely exposed to a hazardous substance, harmful physical agent or infectious agent.

Training will be provided to all full and part-time employees who are routinely exposed to a hazardous substance, harmful physical agent or infectious substance as set forth in the *Employee Right to Know – Exposure to Hazardous Substances Policy*.

All new hire employees will be required to complete the Columbia Heights Public Schools Health and Safety Training within the first 30 days of employment. Certain job classifications will be required to complete this training annually. Supervisors are required to make sure their employees complete this required training in a timely manner. Directions for accessing the online training are available from Human Resources.

Refer to **School Board Policy 407 *Employee Right to Know – Exposure to Hazardous Substances*** for more information.

### **Asbestos Management**

According to the Asbestos Hazard Emergency Response Act (AHERS) of 1986, Columbia Heights Public Schools has inspected all school buildings for asbestos-containing materials. Asbestos management plans were developed for each school building based on inspection results. District policy requires a semi-annual survey at each school to monitor the condition of the previously identified asbestos-containing materials. Readily accessible materials in unsatisfactory condition and/or about to be impacted by school renovation are removed by Minnesota Department of Health licensed asbestos abatement contractors. District policies for compliance with asbestos-related regulations are printed in a management plan for each school.



Building-specific plans are available for review at the District Office.  
For questions, please call 763-528-4525.

### **Indoor Air Quality**

Columbia Heights Public Schools has updated the Indoor Air Quality (IAQ) Plan.  
For questions, please call 763-528-4525.

### **Pest Control Materials**

Our school district uses a licensed, professional pest control service firm for the prevention and control of rodents, insects and other pests in and around our buildings. The program consists of:

- Inspection and monitoring to determine whether pests are present, and whether any treatment is needed.
- Recommendations for maintenance and sanitation to help eliminate pests without the need for pest control materials.
- Use of non-chemical measures such as traps, caulking and screening and application of EPA-registered pest control materials when needed.

Pests can sting, bite, cause contamination, damage property and spread disease; therefore, we must prevent and control them. The long-term health effects on children from the application of such pest control materials or the class of materials that they belong, may not be fully understood. All pest control materials are chosen and applied according to label directions per Federal law.

An estimated schedule of interior pest control inspections and possible treatments is available for review or copying at each school. A similar estimated schedule is available for application of herbicides and other materials to school grounds. Parents of students may request to receive, at their expense, prior notification of any application of a pest control material, should such an application be deemed necessary on a day different from the days specified in the schedule.  
For questions, please call 763-528-4525.

### **Lead-in-Water**

Columbia Heights Public Schools is committed to providing a safe working and learning environment for employees and students. The Management Plan for Lead-in-Water was developed to reduce the potential for exposure to lead in water and to comply with: Minnesota Statute 121A.335, recommendations from the Environmental Protection Agency's (EPA's) 3Ts for Reducing Lead in Drinking Water in Schools, Child Care Facilities: A Training, Testing, and Taking Action Approach Revised Manual (October 2018), the Lead Contamination Control Act (LCCA) of 1988, the Minnesota Department of Health (MDH) and the Minnesota Department of Education (MDE).

Minnesota Statute 121A.335 requires public school buildings serving pre-kindergarten and kindergarten through grade 12 to test for lead in water in potable water sources (water for consumption) every five years. The MDH and MDE have published Reducing

Lead in Drinking Water: A Technical Guidance and Model Plan for Minnesota's Public Schools, which presents a model plan that school districts can choose to adopt as part of the requirement of Minnesota Statute 121A.335. The EPA 3Ts was created by the EPA to identify and reduce lead in drinking water in schools. Lead is a metal that usually enters drinking water through the distribution system, including pipes, solders, faucets, and valves. Lead levels in water may increase when the water is allowed to sit undisturbed in the system. Exposure to lead is a significant health concern.

For questions, please call 763-528-4525.

### **Employee Leaves**

Employees should refer to their Collective Bargaining Agreement or Employment Agreement for sick leave/vacation/holiday/personal leave eligibility and accrual information.

- Vacation: The scheduling of vacation is at the district's discretion and vacation must be taken in quarter hour increments by non-exempt employees.
- Sick Leave: Sick leave must be taken in quarter hour increments by non-exempt employees. Employees are able to use sick leave for any eligible reason under Minn. Stat. section 181.9447.
- Holidays: Employees should refer to their Collective Bargaining Agreement or Employment Agreement for eligibility requirements and a list of holidays, if applicable.
- Personal Leave: Employees should refer to their Collective Bargaining Agreement or Employment Agreement for eligibility requirements.
- Available sick leave must be used for illness, injury, medical care, serious injury or as authorized by Minnesota state law prior to utilizing available vacation time for an absence due to illness, injury, medical care or serious injury. Generally, a maximum of six weeks of sick leave may be used to care for the employee's child after birth.
- Staff are expected to be at work the first week students are back for the start of the school year and the last week of school. Staff should also be here if their duty days include in-service week for new hires and returning staff. Any requests during this time period for personal leave or vacation must be pre-approved by the Human Resources Director.

### **Unpaid Leave**

Any unpaid leave days must be pre-approved by the Superintendent or Human Resources Director. Requests should be made in writing to the Director of Human Resources at least two weeks prior to the requested date.

### **Reporting Absences**

Teachers and Education Assistants are to report their anticipated absence as soon as possible by contacting Teachers On Call. All other employees should check with their supervisor regarding reporting absences.

- For sick leave absences, the employee must complete an Employee Leave Declaration upon return to work.
- For vacation and/or personal leaves, employees must receive pre-approval from their supervisor. Teachers can complete the request via the electronic form on the district website.
- It is the responsibility of the employee to make sure they have the accrued time available to take either a sick day, personal day, or vacation day. Unapproved unpaid days may be subject to discipline.

Forms must be submitted to your supervisor for signature. The Employee Leave Declaration form is available online at [www.colheights.k12.mn.us](http://www.colheights.k12.mn.us) under the staff tab, or by contacting the Human Resources Department.

### **Attendance and Punctuality**

Columbia Heights Public Schools values the work of each staff member. Therefore, staff must be at work when scheduled and on time.

Staff must contact their supervisor and/or building principal if an absence or late arrival is necessary.

Excessive absence or tardiness will be grounds for disciplinary action up to and including termination of employment. Excessive leave usage letters will be sent to employees.

### **Bereavement Leave**

Refer to your Collective Bargaining Agreement or Employment Agreement for more information.

### **Military Leave**

Columbia Heights Public Schools is committed to providing covered service members and their immediate family members with leave, reinstatement benefits consistent with federal and state law. Contact Elizabeth Bruchu in Human Resources at 763-528-4418 for more information.

### **Family and Medical Leave Act (FMLA)**

The Family Medical Leave Act (FMLA) is a federal law that provides eligible employees with job protected leave for qualifying family and medical reasons.

Eligible employees can take up to 12 workweeks of unpaid FMLA leave in a 12-month period, as defined by the policy, for:

- The birth, adoption or foster placement of the employee's child,
- The employee's serious health condition that makes the employee unable to work,

- To care for the employee's spouse, child or parent with a serious health condition, and
- Certain qualifying reasons related to the covered active duty of the employee's spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks or FMLA leave in a single 12-month period to care for the servicemember.

Employees are eligible if they have been employed by the school district for a total of at least 12 months and have been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave. A Eligible employees may use FMLA leave in one block of time or when it is medically necessary or otherwise permitted may take FMLA leave intermittently in separate blocks of time or on a reduced schedule by working less hours each day or week.

#### 12-Month Period:

- The school district tracks FMLA leave using a rolling year. The 12-month period in which employees may take leave is measured backward from the date the employee uses any FMLA leave.

FMLA leave is not paid leave. The district requires employees to use accrued sick leave to substitute for unpaid FMLA leave for up to six weeks, if available.

#### Job Benefits and Protection:

- The school district will provide the employee on FMLA leave with health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage. An employee who does not return to work after the leave may be required, in some situations, to reimburse the school district for the cost of the health plan premiums paid by it. Employees returning from FMLA leave are eligible for reinstatement in the same or an equivalent position as provided by law.

#### Other Information:

- If spouses both work for the district:
  - Spouses must limit their leave to 12 weeks for both, due to the birth and care of a newborn child or adoption of a child, the placement of a child for foster care or to care for a parent.
  - This limitation does not apply for the serious health condition of one spouse or the other.
  - This limitation does not apply to care for a child with a serious health condition or because of the employee's own serious health condition.

For more information contact Elizabeth Bruchu in Human Resources at 763-528-4418 or refer to the FMLA Employee Rights and Responsibilities information page in the handbook appendix.

Refer to **School Board Policy 410 *Family and Medical Leave Policy*** for more information.

### **Technology and Internet Acceptable Use and Safety Policy**

The purpose of the district's policy on *Technology and Internet Acceptable Use and Safety* is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including termination of employment; or civil or criminal liability under other applicable laws.

In order to have access to the district's computer, Internet and electronic communications system an employee must read and sign off on the Employee Technology and Internet Acceptable Use and Safety Policy Agreement form available from Human Resources.

Please keep the following in mind:

- Your account is to be used mainly for educational purposes but some limited and appropriate personal use is permitted.
- District computer, Internet, and electronic communications system is District property.
- Downloading or using copyrighted information without permission from the copyright holder is prohibited.
- You have a limited expectation of privacy when using the District computer system as the District has the right to monitor your activity on its computer system.

The district strongly encourages that district employees **do not** engage in social media with current Columbia Heights Public Schools students. The district also strongly encourages that district employees do not engage in social media with parents or guardians with their own personal accounts.

Refer to **School Board Policy 524 *Technology and Internet Acceptable Use and Safety*** for more information.

### **Employee-Student Relationships Policy**

The purpose of the district's policy on *Employee-Student Relationships* is to commit to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding and direction, while maintaining a standard of professionalism and acting within accepted standards of conduct.

This policy applies to all school district employees at all times whether on or off duty and on or off of school district locations. Each employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students. Excessive informal and social involvement with individual students in person, through digital communication or online messaging is unprofessional, is not compatible with employee-student relationships, and is inappropriate.

Communication with students should occur via District Email, District LMS, District SIS, and Remind.

Staff should not drive students in their own personal vehicle.

Refer to **School Board Policy 423 *Employee-Student Relationships*** for more information.

### **Identification Badges/PROX Cards**

The district requires all employees, volunteers, and specified visitors to wear an identification badge in order to promote and enhance the security of the buildings and the safety of students and staff.

In order to receive an ID badge and PROX card, employees must read and sign the Photo ID Badge and Keyless Entry (PROX Card) Form available from Human Resources. If you lose your ID badge you should contact Human Resources. Lost PROX cards should be reported to Cory Mettling, Deputy Director of Technology and Security at 763-528-4609 or [mettlinc@colheights.k12.mn.us](mailto:mettlinc@colheights.k12.mn.us). It is a \$5.00 replacement fee for both the ID badge and PROX card.

### **Solicitation**

Each year employees may participate in an employer-sponsored solicitation program as determined by the Human Resources Department.

All other solicitations of any kind by employees are prohibited during the working time of any employee, including, but not limited to, solicitations made for raffles, fundraising, product sales, memberships, contests, subscriptions, surveys, causes, ideological beliefs, organizations or other outside interests.

Likewise, employees may not distribute or circulate materials, whether by oral, electronic, in-person or by other means, while on working time or in working areas.

Working time does not include break periods, meal periods or other specified non-work periods during which employees are not expected to perform their assigned duties.

Non-employees may not solicit, distribute literature or other items or use sound devices on district property at any time, except as authorized by school board policy.

### **Voting**

Consistent with Minn. Stat. § 204C.04, every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence.

### **Employee Publications, Instructional Materials, Inventions and Creations**

*The Employee Publications, Instructional Materials, Inventions and Creations Policy* is designed to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

Refer to **School Board Policy 409 *Employee Publications, Instructional Materials, Inventions, and Creations*** for more information.

### **Discipline, Suspension, and Dismissal of School District Employees**

*The Discipline, Suspension, and Dismissal of School District Employee Policy* is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a different manner, is solely within the discretion of the school district. For those employees who are employees at will or are ineligible for any procedural or substantive protections, this policy shall not apply.

The school district retains the right to immediately discipline or terminate an employee as appropriate, subject to relevant governing law and collective bargaining agreement where applicable.

Refer to **School Board Policy 403 *Discipline, Suspension and Dismissal of School District Employees*** for more information.

### **Termination/Resignation**

At-will employees are encouraged to give at least a two week notice of their intent to resign from Columbia Heights Public Schools. Licensed staff are released from their contract once a suitable replacement is found.



#### Vacation Allotment:

Employees who resign or terminate employment prior to the end of the fiscal year are eligible for the vacation days earned based on the number of days the employee actually worked compared to the number of scheduled work days. **If the employee used more vacation days than earned the employee's final check will be adjusted to reflect the overpayment of vacation days or the employee will be invoiced to reimburse the district.**

#### Vacation Payout:

Employees who resign or terminate employment with Columbia Heights Public Schools prior to completion of the fiscal year are eligible to receive a pro-rated payout of their accrued unused vacation days, in accordance with their Collective Bargaining Agreement or Employment Agreement.

#### Return of Property:

School property should be returned to your supervisor at the time of your resignation or termination. This includes but is not limited to laptops, ID badges, Prox cards, etc.

#### **Criminal Background Checks**

All employees of Columbia Heights Public Schools will be required to have background checks conducted. Employees working in the Adventure Club and Mini Adventures Program may also be required to complete a background study and fingerprint check with the Minnesota Department of Human Services (DHS). The District reserves the right to withdraw the conditional job offer of employment based upon the results of the background check. The district retains the right to conduct additional criminal background checks on employees during the course of their employment.

Employees who have not received a paycheck from the district in over a year will have to complete the background checks again.

A criminal background check by the Minnesota Bureau of Criminal Apprehension is also required for all volunteers in the district. Volunteers in the Adventure Club and Mini Adventures Program may also be required to complete a background study and fingerprint check with the Minnesota Department of Human Services (DHS). Columbia Heights Public Schools will pay for volunteer background checks.

The district may also apply these procedures to independent contractors, student employees and student teachers. The cost of the background check is the responsibility of the individual.

Please contact Heidi Sell in Human Resources at 763-528-4588 with any questions or to have the background check forms sent to you.

Refer to **School Board Policy 404 *Employment Background Checks*** for more information.

### **I-9 Compliance**

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9. Employees must complete section one of this form at the time of hire. The District must examine evidence of identity and employment authorization within three (3) business days of the date employment begins. This form is typically filled out at the time new hire paperwork is completed.

### **Pay Schedule**

Employees are paid on the 5<sup>th</sup> and 20<sup>th</sup> of each month. Please see the Payroll Calendar for specific pay dates, pay period start/end dates and timesheet due dates.

Union membership dues will be deducted per the Master Agreement stipulated schedule.

The Payroll Calendar is available online at [www.colheights.k12.mn.us](http://www.colheights.k12.mn.us) under the staff tab, or by contacting the Payroll Department.

### **Direct Deposit**

District policy requires the use of direct deposit for all employees as permitted by Minnesota Statute 471.426. Completion of the Direct Deposit Authorization form is required for all new accounts and changes. Your funds are deposited automatically on each payday to your designated account(s).

The district does not print direct deposit statements. Paper copies can be obtained from the Employee Access Center (EAC). Employees have until June to update their direct deposit information.

The Direct Deposit Authorization form is available online at [www.colheights.k12.mn.us](http://www.colheights.k12.mn.us) under the staff tab, or by contacting the Payroll Department.

### **Jury Duty**

If an employee is called for Jury Duty you must notify your supervisor immediately and make arrangements for a substitute, if necessary.

Once your service is fulfilled, complete an Employee Leave Declaration Form noting the time as Jury Duty and attach a copy of your payment from the court. Your leave history will be updated and reflect the time as "Civic Function," however, no leave time is taken from your balance. Your paycheck will also be adjusted for the daily rate you were paid by the court.

### **Personnel Information Changes**

Address and phone number changes should be reported as soon as possible by completing the online change form located in the Employee Access Center (EAC) online. Name changes must also be submitted as soon as possible along with appropriate legal documentation such as a court order or marriage certificate, and a

copy of the employee's social security card reflecting the name change. All name changes should be submitted to Heidi Sell, Human Resources Administrative Assistant.

Union staff must update the union independently about name, address and phone number changes.

### **Parking**

Parking permits are required at some of the district locations. Employees working at the Family Center, District Center, and Columbia Heights High School will need permits in order to park in the designated parking lots. Please contact Barb Erickson in the Technology Department at 763-528-4414 for a parking permit form.

### **Emergency School Closings and E-Learning Days**

The Superintendent is responsible for the closing of schools. In the event that schools must be delayed, closed due to inclement weather, other emergency, or e-learning day, an announcement will be made on local news stations, district website, and by automated phone call.

The Columbia Heights School District stands alone and is not a part of any other school district. When listening, specifically listen for mention of the "Columbia Heights School District."

School District employees may be required to work from home if school is cancelled and are being compensated for the day.

In the event of inclement weather, Columbia Heights Public Schools (CHPS) may implement e-learning days to facilitate student learning at home, as stated in Minnesota Statute.

E-learning days will be determined by the Superintendent on a case-by-case basis. E-learning days will be announced with an automated phone call, posted on the District website and social media.

More information can be found online at <https://www.colheights.k12.mn.us/domain/464>.

### **Personnel and Employee Files**

The district maintains a personnel file for each employee. The district personnel files are located in the Human Resources Department, although the employee's immediate supervisor may also keep records pertaining to the employee. An employee's personnel file may include application materials, academic records, credentials, pre-employment references, current copy of licensure, performance evaluations, letters or other documentation pertaining to employment.

Certain information on current and former employees, volunteers and independent contractors of the school district are public, including, but not limited to: employee name, identification number, salary, education and training background,

previous work experience, the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action, and the final disposition of any disciplinary action, as defined in Minnesota Statutes, section 13.43, subdivision 2(b).

Employees who wish to review their own file should contact Human Resources. All employee data will be received, retained, and disseminated according to the Minnesota Government Data Practices Act.

Refer to **School Board Policy 406 Public and Private Personnel Data** for more information.

### **Job Postings**

Position vacancies are posted on the district's website for both internal and external postings in accordance with collective bargaining agreements (if applicable). All employees must complete a District application and are encouraged to online at <https://www.applitrack.com/colheights/onlineapp/default.aspx>. Internal staff that missed the internal posting period will need to apply as an external candidate if the posting goes external.

### **Nepotism**

No individual employee may be assigned, reassigned, permanently or temporarily employed or issued an independent contract in a department, special program, location or school where one member of a family has direct administrative or supervisory responsibility over that individual.

### **Appearance/Grooming**

Employees are expected to be neat, clean, and to wear appropriate clothing for work that is in good taste and suitable for the job at hand. Staff are expected to dress in business professional attire.

### **Customer Service**

It is a goal of the district to provide outstanding customer service to all of our stakeholders. It is expected that staff will follow the telephone and voicemail guidelines listed below.

#### **Telephone and Voicemail Service Guidelines for District Center Departments:**

##### **Answering External Phone Calls:**

*Hello (or good morning/good afternoon), Columbia Heights Public Schools, state department, this is (give at least first name), how may I help you.*

##### **Answering Internal Phone Calls:**

*State department, this is (give at least first name).*

##### **Standard Voicemail Greeting:**

*Hello, you have reached the voicemail for name (first and last) with Columbia Heights Public Schools and state department. I am unable to take your call at this time. Please leave a message and I will contact you as soon as possible. If your call needs immediate assistance please contact (state person and phone number).*

Out of Office/Out of District Greeting:

*Hello, you have reached the voicemail for name (first and last) with Columbia Heights Public Schools, and state department. I am out of the office until (give date). Please leave me a message and I will return your call when I am back in the office. If you need immediate assistance please contact (give name and number).*

**Telephone and Voicemail Service Guidelines for School Buildings:**

Answering External Phone Calls:

*Hello (or good morning/good afternoon), state school building, this is (give at least first name), how may I help you.*

Answering Internal Phone Calls:

*State school building, this is (give at least first name).*

Standard Voicemail Greeting:

*Hello, you have reached the voicemail for name (first and last) with state building. I am unable to take your call at this time. Please leave a message and I will contact you as soon as possible. If your call needs immediate assistance please contact (state person and phone number).*

Out of Office/Out of District Greeting:

*Hello, you have reached the voicemail for name (first and last) with state building. I am out of the office until (give date). Please leave me a message and I will return your call when I am back in the office. If you need immediate assistance please contact (give name and number).*

**Travel/Business Expense Reimbursement**

All school district business expenses to be reimbursed must be approved by the supervising administrator. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees and other reasonable and necessary school district business-related expenses.

Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. **Original** itemized receipts for lodging, commercial transportation, registration and other reasonable and necessary expenses must be attached to the reimbursement form.

Employees shall be reimbursed for mileage at the rate of the established IRS rate per mile for the use of his/her private vehicle for travel for authorized school district business, unless the employee is paid a travel allowance.

Refer to ***School Board Policy 412 Expense Reimbursement*** for more information or you may contact Bryan Hennekens, Director of Finance and Operations 763-528-4502 or [hennekeb@colheights.k12.mn.us](mailto:hennekeb@colheights.k12.mn.us).

### **Employee Evaluations**

Employees' work is continually being reviewed and the formal evaluation process is only one aspect of the district's performance management process. Having an employee performance evaluation does not necessarily mean that an employee will receive an increase in pay.

#### **Non-Tenured Teaching Staff:**

In accordance with Minnesota Statute 122A.40, non-tenured teaching staff will be evaluated at least three times each year for a teacher performing services that year; the first evaluation must occur within the first 90 days of teaching service. A teacher must actually teach at least 90 days in a school year for that year to count towards continuing contract status.

#### **Tenured Teaching Staff:**

It is district policy for tenured teaching staff to be evaluated once every three years after obtaining tenure status with the district.

### **Staff Driving Staff in Medical Emergencies**

Staff are not to transport other staff members in cases of medical emergencies. An ambulance should be called if necessary or an emergency contact to pick up the staff member.

### **Media Requests for Information**

Requests from the media for information or interviews should be forwarded to your building principal or director. No information or interviews will be given without district authorization.

### **Visitor Procedures**

#### **VISITOR LIMITATIONS**

Visitors may be denied permission to visit a school, school property or online platform, or such permission may be revoked if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not in the best interest of students, employees or the school district

In the event that a staff member is confronted in a face-to-face or telephone conversation with unacceptable or disrespectful visitor behavior the following steps should be taken:

1. The offending person should be informed that their conduct is unacceptable and why this is the case. A copy of this procedure may be given or mailed to the person.
2. The offending person should be told that if the behavior continues the discussion will be terminated.
3. If the behavior continues the conversation should be terminated.
4. The incident should be promptly reported to the staff person's supervisor.
5. The offending person should be informed that a memorandum of the incident will be prepared, provided to the staff person's supervisor, and maintained in the files of the District.
6. The offending person may be asked to leave the premises, if necessary, as determined by an administrator and restricted in future visits to school property.

If the conduct occurs in the context of e-mail, facsimile transmissions, letters, notes or other documentary forms of communication, steps one through three can be carried out by a similar form of communication or by telephone. In either case, copies of the offending communication and the staff person's response to it should be attached to the memorandum of incident. The memorandum will include the name and phone number of the staff person's supervisor.

Staff members are encouraged to request the advice and assistance of a building principal or supervisor in responding to such a situation.

### **References**

All inquiries regarding verification of employment should be directed to the Human Resources Department.



# APPENDIX

The Columbia Heights Public Schools Board is committed to equitable school governance. At the 2/22/22 Board meeting, they adopted the following equity statement:

## Columbia Heights Public Schools Board of Education Equity Statement

We, the Columbia Heights Public Schools Board of Education ISD #13, are accountable for each learner belonging and succeeding. We acknowledge that we have a beautiful and diverse student population. The District's Mission Statement is Creating Worlds of Opportunity for Each and Every Learner: All Belong, All Succeed. We are committed to providing a school culture that is free of obstacles that impede our mission and providing the resources necessary to accomplish this.

Therefore, we seek to have policies and practices in our schools that respect, honor and learn from all cultures represented in our school community. To that effect, we commit to identifying and removing barriers in CHPS policies, procedures, systems and practices that limit opportunities for our students and result in predictably lower academic achievement for any student group compared to their peers.

In order to achieve our Mission, Columbia Heights Public Schools Board of Education ISD #13 commits:

To seek two-way communication with all stakeholders, and have positive, purposeful relationships with all students and all families so that barriers to learning at high levels are removed. We welcome our COMMUNITY to speak up and ask questions, as we learn more and build bridges.

To strive for EXCELLENCE and establish high expectations for all learners, integrating high quality, rigorous and relevant study, that reflects the diversity of our students. Students will leave CHPS feeling confident for their future and feel valued for exactly who they are.

To engage in COLLABORATION with all stakeholders, including staff and students. Students will see themselves and their culture represented in curriculum, discussion and visuals, providing opportunities for students to see all cultures valued, integrated and represented. In COLLABORATION with the Administration, we commit to being intentionally representative of the diversity in our community in recruiting, hiring, retaining and advancement of staff that more closely reflects our student population.

To demonstrate INTEGRITY by being equitable in our policy, programming, practice, curriculum and treatment of students. We will have brave conversations and challenge ourselves to be reflective on our own assumptions and biases. We commit to participating in District equity work each year.

To RESPECT our students and to acknowledge their experiences. We will seek out, amplify, and include those who have been unheard or ignored and will work to mitigate the effects of trauma on the educational outcomes of our students. We will seek to understand our community, listen to their stories, and RESPECT how they identify in regards to race, religion, culture, gender and ethnicity.

To show COURAGE by working toward building an anti-biased, anti-racist system that promotes academic and civil excellence. To provide specific anti-biased, anti-racist learning opportunities for board members, staff, students, families and our community.

To demonstrate INNOVATION by creating a strategic plan that addresses equity. We will provide the superintendent the support and resources needed to address systemic disparities. We will show INNOVATION and advocate for policy changes at the local, state and federal levels working towards an educational system that truly benefits each and every learner.

This Equity Statement is our commitment to all stakeholders and we expect to be held accountable.

- Columbia Heights Public Schools Board of Education

## OUR MISSION

Columbia Heights Public Schools

Creating worlds of opportunity for each and every learner

"All Belong, All Succeed"

# CHPS Board of Education Equity Statement

This equity statement provides vision, direction, governance and policy.



## Affinity Groups

- BIPOC and LGBTQIA+ Affinity Groups for licensed staff
- Opportunities for Affinity Groups to share questions and feedback with District leadership
- Exploring options for including non-licensed staff in Affinity Groups for 2022-2023 school year



## Diversifying Teacher Workforce

- Building networks with community organizations such as Black Men Teach, Teach MN and the Sanneh Foundation
- Grow Your Own program through Intermediate District 916
- Started an education class at CHHS, which will expand to an intro level and intermediate level for the 2022-2023 school year



## Home School Liaisons

- One full-time bilingual Home School Liaison at Highland, North Park School for Innovation, Valley View, Columbia Academy and Columbia Heights High School to work directly with and support families and students
- Home School Liaisons also serve as facilitators for our REACH Parent Program



## Equity Professional Development (PD)

- School-specific equity PD on each in-service day and throughout the year provided by experts
- Continuity of learning, ongoing relationships and content tailored to each staff
- School Board engaging in equity PD



## Inclusive Curriculum

- Instruction and curricular resources provide multiple perspectives
- Teachers and students utilize content and texts representative of diverse groups
- Experiences for students to see themselves and others in the world around us



## District Equity Team

- Provides input and direction on District equity work
- Meets throughout the year to share updates and strategies
- Representation from staff-leaders across the district



## HeighTen Up Plan

- Maintain a focus on equity in action by supporting the work of Professional Learning Communities for academic acceleration
- Early Release Data Days provide time for teachers to focus on student needs and create action plans
- A focus on the academic and social-emotional strengths and needs of each and every student



## Elevating Student Voices

- Social Justice Club, Muslim Student Association, Gay-Straight Alliance, etc are Secondary Student Groups
- Student representatives to the School Board
- Students on District committees (Calendar, Student Wellness, Communications Advisory Council, 21CCLC Grant Advisory Council, etc)
- Student focus groups



## Equimetrics Staff Survey

- CHPS staff participated in this survey May 2021
- CHPS staff will be invited to participate in this survey May 2022
- Results will be used to inform next steps in the District's equity work
- Provides clear indicators on where and how to improve diversity, equity and inclusion culture



# Your Employee Rights Under the Family and Medical Leave Act

## What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with **job-protected leave** for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees.

Eligible employees can take **up to 12 workweeks** of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you,
- Your serious mental or physical health condition that makes you unable to work,
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness **may take up to 26 workweeks** of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in **one block of time**. When it is medically necessary or otherwise permitted, you may take FMLA leave **intermittently in separate blocks of time, or on a reduced schedule** by working less hours each day or week. Read Fact Sheet #28M(c) for more information.

FMLA leave is **not paid leave**, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

## Am I eligible to take FMLA leave?

You are an **eligible employee** if **all** of the following apply:

- You work for a covered employer,
- You have worked for your employer at least 12 months,
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Airline flight crew employees have different "hours of service" requirements.

You work for a **covered employer** if **one** of the following applies:

- You work for a private employer that had at least 50 employees during at least 20 workweeks in the current or previous calendar year,
- You work for an elementary or public or private secondary school, or
- You work for a public agency, such as a local, state or federal government agency. Most federal employees are covered by Title II of the FMLA, administered by the Office of Personnel Management.

## How do I request FMLA leave?

Generally, **to request FMLA leave you must:**

- Follow your employer's normal policies for requesting leave,
- Give notice at least 30 days before your need for FMLA leave, or
- If advance notice is not possible, give notice as soon as possible.

You **do not have to share a medical diagnosis** but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You **must also inform your employer if FMLA leave was previously taken** or approved for the same reason when requesting additional leave.

Your **employer may request certification** from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their own serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management or Congress.

## What does my employer need to do?

If you are eligible for FMLA leave, your **employer must:**

- Allow you to take job-protected time off work for a qualifying reason,
- Continue your group health plan coverage while you are on leave on the same basis as if you had not taken leave, and
- Allow you to return to the same job, or a virtually identical job with the same pay, benefits and other working conditions, including shift and location, at the end of your leave.

Your **employer cannot interfere with your FMLA rights** or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your **employer must confirm whether you are eligible** or not eligible for FMLA leave. If your employer determines that you are eligible, your **employer must notify you in writing:**

- About your FMLA rights and responsibilities, and
- How much of your requested leave, if any, will be FMLA-protected leave.

## Where can I find more information?

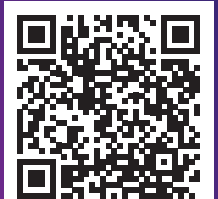
Call **1-866-487-9243** or visit **dol.gov/fmla** to learn more.

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. **Scan the QR code to learn about our WHD complaint process.**



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

SCAN ME





*Adopted: January 26, 1999*  
*Revised: December 7, 2004*  
*Revised: May 22, 2006*  
*Revised: October 27, 2009*  
*Revised: December 14, 2010*  
*Revised: December 13, 2011*  
*Revised: November 13, 2012*  
*Reviewed: November 12, 2013*  
*Reviewed: September 9, 2014*  
*Revised: May 12, 2015*  
*Revised: June 14, 2016*  
*Revised: May 9, 2017*  
*Reviewed: June 27, 2017*  
*Revised: June 12, 2018*  
*Revised: January 8, 2019*  
*Reviewed: October 8, 2019*  
*Reviewed: November 10, 2020*  
*Revised: February 8, 2022*  
*Revised: April 23, 2024*

## **413 HARASSMENT AND VIOLENCE**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability (Protected Class).

### **II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to maintain a learning and working environment free of 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 include 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. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence, based on a person's Protected Class, and to discipline or take appropriate action against any student, teacher, administrator or other school district personnel who is found to have violated this policy.

### **III. DEFINITIONS**

- A. "Assault" is:

1. 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

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. A person may be attracted to men, woman, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.
  - 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 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 or retaining employment, or of obtaining or retaining 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.

#### IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class 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 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 harassment or violence 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 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 harassment or violence directly to a school district human rights officer or to the superintendent. If the complaint involves the principal, 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 is the person responsible for receiving oral or written reports by students of harassment or violence prohibited by this policy at the building level. In the absence of the building principal, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. Any adult school district personnel who receives a report of harassment or violence

prohibited by this policy shall inform the building principal immediately. If the complaint involves the principal, the complaint shall be made or filed with the school district human rights officer or the superintendent by the reporting party or complaint. School district personnel who fail to inform the building principal of a report of harassment or violence in a timely manner may be subject to disciplinary action. The principal shall ensure that this policy and its produces, practices, consequences and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters for the building.

- 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 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 principal 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.
- F. Upon receipt of a report, the principal must notify the school district human rights officer immediately, without screening or investigating the report. The principal 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 principal to the human rights officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the principal.
- G. In the District. The school board hereby designates the school district human rights officer(s) Bondo Nyembwe, Executive Director of Educational Services, 763-528-4419; Lindsey Bennett, Director of Human Resources, 763-528-4516 to receive all other reports or complaints of harassment or violence 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 officer(s), including mailing addresses and telephone numbers.
- I. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. 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.

- 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 violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. 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.

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.

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.

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.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) working days of the receipt of a report or complaint alleging harassment or violence 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 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) 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.
- F. The investigation will be completed as soon as practicable. The school district human rights officer 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 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 served 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 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 harassment or violence, 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.
- D. Appropriate administrative and staff follow-up will be provided for victims of bullying or harassment.

## **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 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.

## **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. 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 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 harassment, violence 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. This policy shall appear in the student and employee handbooks.
- 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 law.

**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:** CHSD Policy 102 (Equal Educational Opportunity)  
CHSD Policy 401 (Equal Employment Opportunity)  
CHSD Policy 402 (Disability Nondiscrimination Policy)  
CHSD Policy 403 (Discipline, Suspension and Dismissal of School District Employees)  
CHSD Policy 406 (Public and Private Personnel Data)  
CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
CHSD Policy 506 (Student Discipline)  
CHSD Policy 514 (Bullying Prohibition Policy)  
CHSD Policy 515 (Protection and Privacy of Pupil Records)  
CHSD Policy 521 (Student Disability Nondiscrimination)  
CHSD Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)  
CHSD Policy 524 (Internet Acceptable Use and Safety Policy)  
CHSD Policy 525 (Violence Prevention)  
CHSD Policy 526 (Hazing Prohibition)  
CHSD Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

## Incident Report Form



Columbia Heights Public School District maintains a firm policy prohibiting all forms of discrimination including bullying, harassment, hazing. For more information, see school board policies 514, 525 and 526.

### Definitions

**Bullying** means behavior by an individual student or group of students that is:

- intimidating, threatening, abusive or harmful and;
- involves an actual or perceived imbalance of power in which the student being bullied has difficulty defending himself/herself; and
- the conduct is repeated or forms a pattern and;
- materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

**Harassment** means 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 (Protected Class) when the conduct:

- has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

**Hazing** means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose.

**Name of person completing this form:** \_\_\_\_\_

I am (Choose one)\_\_\_ Victim \_\_\_ Bystander \_\_\_ Parent/Guardian \_\_\_ Staff Member \_\_\_ Other: \_\_\_

Home address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_ School: \_\_\_\_\_

**Tell us what happened.**

Student who was harmed: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Student (s) who did the harm: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

**Where** did the incident happen? \_\_\_\_\_

**When** did the incident happen? \_\_\_\_\_

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*): \_\_\_\_\_  
\_\_\_\_\_

**Check one or more boxes below.**

**The bullying, harassment or hazing was on the basis of:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Disability                                     | <input type="checkbox"/> Race/Color/National Origin                                  | <input type="checkbox"/> Religion                                |
| <input type="checkbox"/> Sex  | <input type="checkbox"/> Sexual Orientation including gender identity and expression |  |
| <input type="checkbox"/> Ethnicity                                      | <input type="checkbox"/> Creed   | <input type="checkbox"/> Marital Status                          |
| <input type="checkbox"/> Familial Status                                | <input type="checkbox"/> Socioeconomic Status  | <input type="checkbox"/> Physical Appearance                     |
| <input type="checkbox"/> Immigration Status                             | <input type="checkbox"/> Age   | <input type="checkbox"/> Status with Regard to Public Assistance |
| <input type="checkbox"/> Academic Status Related to Student Performance |  | <input type="checkbox"/> Other                                   |

Did you see the event happen? \_\_\_ Yes \_\_\_ No

If no, who made the report to you? \_\_\_\_\_

Did anyone else see what happened? \_\_\_ Yes \_\_\_ No Who? \_\_\_\_\_

Was an adult nearby? \_\_\_ Yes \_\_\_ No Who? \_\_\_\_\_

\_\_\_\_\_ 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.

Reporter Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

**For Office Use Only**

Incident ID #: \_\_\_\_\_ Other: \_\_\_\_\_



**COLUMBIA HEIGHTS PUBLIC SCHOOLS**  
**POLICY AGAINST HARASSMENT AND VIOLENCE**

Everyone at Columbia Heights Public Schools has a right to feel respected and safe. The district wants you to know about School Board Policy 413 on the prevention of harassment and violence. The following is a summary of the policy:

1. It is the policy of the school district to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, or disability (Protected Class). The school district prohibits any form of harassment or violence on the basis of Protected Class.
2. 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.
3. Harassment 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.
4. Violence consists of 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.
5. It shall be a violation of this policy 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. This applies to school district personnel including school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.
6. School district personnel who fail to inform the building principal, the Human Rights Officer or the Executive Director of Educational Services per the reporting procedures in the Harassment and Violence Policy 413 of a report or harassment or violence in a timely manner may be subject to disciplinary action.
7. All complaints, whether verbal or written, will be investigated and any appropriate disciplinary action will be taken.
8. All verbal or written complaints should be reported to your principal or the Human Rights Officers per the reporting procedures in the Harassment and Violence Policy 413.
9. Retaliation is prohibited against any individual who reports harassment or violence or participates in an investigation.
10. Confidentiality of all persons involved will be respected to the fullest extent possible.

This is a summary of Columbia Heights Public Schools policy against harassment and violence. A complete copy of the policy is available on the district website and/or from the Building Administrators.

**CONTACT:**

Lindsey Bennett, Human Resources Director and Human Rights Officer at 1440 49<sup>th</sup> Ave NE, Columbia Heights, MN 55421; 763-528-4516 for complaints involving staff.

Bondo Nyembwe, Assistant Superintendent at 1440 49<sup>th</sup> Ave NE, Columbia Heights, MN 55421; 763-528-4438 for complaints involving students.

Adopted: October 13, 2020  
Reviewed: January 12, 2021  
Reviewed: March 8, 2022  
Reviewed: October 11, 2022  
Reviewed: December 12, 2023



## **522 TITLE IX SEX NONDISCRIMINATION POLICY, GRIEVANCE PROCEDURE AND PROCESS**

*[Note: On May 6, 2020, the U.S. Department of Education, Office for Civil Rights (OCR), released the long-awaited final rule amending Title IX regulations at 34 Code of Federal Regulations part 106. These regulations, which went into effect on August 14, 2020, are the first Title IX regulations applicable to sexual harassment and are applicable to complaints by both school district students and employees. The extensive regulations will require districts to revise their policies and procedures with respect to sexual harassment and ensure that administration and staff are trained on the new requirements.*

*The final rule requires school districts to provide notice of its nondiscrimination policy and grievance procedures, including how to file or report sexual harassment and how the school district will respond to the following groups: applicants for admission and employment; students; parents or legal guardians; and unions or professional organizations holding agreements with the school district. 34 Code of Federal Regulations Section 106.8(b). The provisions of this policy generally conform to the requirements of the new regulations].*

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

- A. The school district does not discriminate on the basis of sex in its education programs or activities, and it is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The school district is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.
- B. The school district prohibits sexual harassment that occurs within its education programs and activities. When the school district has actual knowledge of sexual harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.
- C. This policy applies to sexual harassment that occurs within the school district's

education programs and activities and that is committed by a school district employee, student, or other members of the school community. This policy does not apply to sexual harassment that occurs off school grounds, in a private setting, and outside the scope of the school district's education programs and activities. This policy does not apply to sexual harassment that occurs outside the geographic boundaries of the United States, even if the sexual harassment occurs in the school district's education programs or activities.

- D. Any student, parent, or guardian having questions regarding the application of Title IX and its regulations and/or this policy and grievance process should discuss them with the Title IX Coordinator. The school district's Title IX Coordinator(s) is: **Bondo Nyembwe, Executive Director of Educational Services, 763-528-4519, 1440 49<sup>th</sup> Avenue NE, Columbia Heights, MN 55421, nyembweb@colheights.k12.mn.us**

Questions relating solely to Title IX and its regulations may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

- E. The effective date of this policy is August 14, 2020 and applies to alleged violations of this policy occurring on or after August 14, 2020.

## II. DEFINITIONS

- A. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to the school district's Title IX Coordinator or to any employee of the school district. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the school district with actual knowledge is the respondent.
- B. "Complainant" means a person who is alleged to be the victim of conduct that could constitute sexual harassment under Title IX. A Title IX Coordinator who signs a formal complaint is not a complainant unless the Title IX Coordinator is alleged to be the victim of the conduct described in the formal complaint.
- C. "Day" or "days" means, unless expressly stated otherwise, business days (i.e. day(s) that the school district office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).
- D. "Deliberately indifferent" means clearly unreasonable in light of the known circumstances. The school district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.
- E. "Education program or activity" means locations, events, or circumstances for which the school district exercises substantial control over both the respondent and the context in which the sexual harassment occurs and includes school district education programs or activities that occur on or off of school district property.

- F. “Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school district investigate the allegation of sexual harassment.
1. A formal complaint filed by a complainant must be a physical document or an electronic submission. The formal complaint must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint, and must be submitted to the Title IX Coordinator in person, by mail, or by email.
  2. A formal complaint shall state that, at the time of filing the formal complaint, the complainant was participating in, or attempting to participate in, an education program or activity of the school district with which the formal complaint is filed.
- G. “Informal resolution” means options for resolving a formal complaint that do not involve a full investigation and adjudication. Informal resolution may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- H. “Relevant questions” and “relevant evidence” are questions, documents, statements, or information that are related to the allegations raised in a formal complaint. Relevant evidence includes evidence that is both inculpatory and exculpatory. Questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant’s prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- I. “Remedies” means actions designed to restore or preserve the complainant’s equal access to education after a respondent is found responsible. Remedies may include the same individualized services that constitute supportive measures, but need not be non-punitive or non-disciplinary, nor must they avoid burdening the respondent.
- J. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.
- K. “Sexual harassment” means any of three types of misconduct on the basis of sex that occurs in a school district education program or activity and is committed against a person in the United States:
1. *Quid pro quo* harassment by a school district employee (conditioning the provision of an aid, benefit, or service of the school district on an individual's participation in unwelcome sexual conduct);
  2. Unwelcome conduct that a reasonable person would find so severe,

pervasive, and objectively offensive that it denies a person equal educational access; or

3. Any instance of sexual assault (as defined in the Clery Act, 20 United States Code section 1092(f)(6)A(v)), dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 United States Code section 12291).

L. “Supportive measures” means individualized services provided to the complainant or respondent without fee or charge that are reasonably available, non-punitive, non-disciplinary, not unreasonably burdensome to the other party, and designed to ensure equal educational access, protect safety, and deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, alternative educational services as defined under Minnesota Statutes section 121A.41, as amended, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the school district buildings or property, and other similar measures.

M. “Title IX Personnel” means any person who addresses, works on, or assists with the school district’s response to a report of sexual harassment or formal complaint, and includes persons who facilitate informal resolutions. The following are considered Title IX Personnel:

1. “Title IX Coordinator” means an employee of the school district that coordinates the school district’s efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator is responsible for acting as the primary contact for the parties and ensuring that the parties are provided with all notices, evidence, reports, and written determinations to which they are entitled under this policy and grievance process. The Title IX Coordinator is also responsible for effective implementation of any supportive measures or remedies. The Title IX Coordinator must be free from conflicts of interest and bias when administering the grievance process.
2. “Investigator” means a person who investigates a formal complaint. The investigator of a formal complaint may not be the same person as the Decision-maker or the Appellate Decision-maker. The Investigator may be a school district employee, school district official, or a third party designated by the school district.
3. “Decision-maker” means a person who makes a determination regarding responsibility after the investigation has concluded. The Decision-maker cannot be the same person as the Title IX Coordinator, the Investigator, or the Appellate Decision-maker.
4. “Appellate Decision-maker” means a person who considers and decides appeals of determinations regarding responsibility and dismissals of formal complaints. The Appellate Decision-maker cannot be the same

person as the Title IX Coordinator, Investigator, or Decision-maker. The Appellate Decision-maker may be a school district employee, or a third party designated by the school district.

5. The superintendent of the school district may delegate functions assigned to a specific school district employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes, to any suitably qualified individual and such delegation may be rescinded by the superintendent at any time. The school district may also, in its discretion, appoint suitably qualified persons who are not school district employees to fulfill any function under this policy, including, but not limited to, Investigator, Decision-maker, Appellate Decision-maker, and facilitator of informal resolution processes.

### **III. BASIC REQUIREMENTS FOR GRIEVANCE PROCESS**

#### **A. Equitable Treatment**

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

#### **B. Objective and Unbiased Evaluation of Complaints**

1. Title IX Personnel, including the Title IX Coordinator, Investigator, Decision-maker, and Appellate Decision-maker, shall be free from conflicts of interest or bias for or against complainants or respondents generally or a specific complainant or respondent.
2. Throughout the grievance process, Title IX Personnel will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

- C. Title IX Personnel will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

#### **D. Confidentiality**

The school district will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 United States Code section 1232g, or FERPA's regulations, 34 Code of Federal Regulations part 99, Minnesota law under Minnesota Statutes section 13.32 or as required by law, or to carry out the purposes of 34 Code of Federal Regulations Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the



other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

#### H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

#### I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of sexual harassment, including when school district employees are respondents.

#### J. Timelines

1. Any informal resolution process must be completed within thirty (30) calendar days following the parties' agreement to participate in such informal process.
2. An appeal of a determination of responsibility or of a decision dismissing a formal complaint must be received by the school district within five (5) days of the date the determination of responsibility or dismissal was provided to the parties.
3. Any appeal of a determination of responsibility or of a dismissal will be decided within thirty (30) calendar days of the day the appeal was received by the School District.
4. The school district will seek to conclude the grievance process, including any appeal, within 120 calendar days of the date the formal complaint was received by the School District.
5. Although the school district strives to adhere to the timelines described above, in each case, the school district may extend the time frames for good cause. Good cause may include, without limitation: the complexity of the allegations; the severity and extent of the alleged misconduct; the number of parties, witnesses, and the types of other evidence (e.g., forensic evidence) involved; the availability of the parties, advisors,



witnesses, and evidence (e.g., forensic evidence); concurrent law enforcement activity; intervening school district holidays, breaks, or other closures; the need for language assistance or accommodation of disabilities; and/or other unforeseen circumstances.

**K. Potential Remedies and Disciplinary Sanctions**

1. The following is the range of possible remedies that the school district may provide a complainant and disciplinary sanctions that the school district might impose upon a respondent, following determination of responsibility: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual or unilateral restrictions on contact between the parties, changes in work locations, leaves of absence, monitoring of certain areas of the school district buildings or property, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
2. If the Decision-maker determines a student-respondent is responsible for violating this policy, the Decision-maker will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the superintendent of the recommended remedies, such that an authorized administrator can consider the recommendation(s) and implement appropriate remedies in compliance with MSBA Model Policy 506 – Student Discipline. The discipline of a student-respondent must comply with the applicable provisions of Minnesota Pupil Fair Dismissal Act, the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

**IV. REPORTING PROHIBITED CONDUCT**

- A. Any student who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to the Title IX Coordinator.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. A report of unlawful sex discrimination or sexual harassment may be made at any time, including during non-business hours, and may be made in person, by mail, by telephone, or by e-mail using the Title IX Coordinator's contact information. A report may also be made by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

- D. Sexual harassment may constitute both a violation of this policy and criminal law. To the extent the alleged conduct may constitute a crime, the School District may report the alleged conduct to law enforcement authorities. The school district encourages complainants to report criminal behavior to the police immediately.

## **V. INITIAL RESPONSE AND ASSESSMENT BY THE TITLE IX COORDINATOR**

- A. When the Title IX Coordinator receives a report, the Title IX Coordinator shall promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint .
- B. The school district will offer supportive measures to the complainant whether or not the complainant decides to make a formal complaint. The school district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the school district's ability to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- C. If the complainant does not wish to file a formal complaint, the allegations will not be investigated by the school district unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the complainant's wishes is not clearly unreasonable in light of the known circumstances.
- D. Upon receipt of a formal complaint, the school district must provide written notice of the formal complaint to the known parties with sufficient time to prepare a response before any initial interview. This written notice must contain:
1. The allegations of sexual harassment, including sufficient details known at the time, the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  3. A statement explaining that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. A statement that the parties may inspect and review evidence gathered pursuant to this policy;
  5. A statement informing the parties of any code of conduct provision that prohibits knowingly making false statements or knowingly submitting

false information; and

6. A copy of this policy.

## **VI. STATUS OF RESPONDENT DURING PENDENCY OF FORMAL COMPLAINT**

### **A. Emergency Removal of a Student**

1. The school district may remove a student-respondent from an education program or activity of the school district on an emergency basis before a determination regarding responsibility is made if:
  - a. The school district undertakes an individualized safety and risk analysis;
  - b. The school district determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal of the student-respondent; and
  - c. The school district determines the student-respondent poses such a threat, it will so notify the student-respondent and the student-respondent will have an opportunity to challenge the decision immediately following the removal. In determining whether to impose emergency removal measures, the Title IX Coordinator shall consult related school district policies, including CHPS Policy 506 – Student Discipline. The school district must take into consideration applicable requirements of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973, prior to removing a special education student or Section 504 student on an emergency basis.

### **B. Employee Administrative Leave**

The school district may place a non-student employee on administrative leave during the pendency of the grievance process of a formal complaint. Such leave will typically be paid leave unless circumstances justify unpaid leave in compliance with legal requirements. The school district must take into consideration applicable requirements of Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act prior to removing an individual with a qualifying disability.

## **VII. INFORMAL RESOLUTION OF A FORMAL COMPLAINT**

- A. At any time prior to reaching a determination of responsibility, informal resolution may be offered and facilitated by the school district at the school district's discretion, but only after a formal complaint has been received by the

school district.

- B. The school district may not require as a condition of enrollment or continued enrollment, or of employment or continued employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment.
- C. The informal resolution process may not be used to resolve allegations that a school district employee sexually harassed a student.
- D. The school district will not facilitate an informal resolution process without both parties' agreement, and will obtain their voluntary, written consent. The school district will provide to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, the parties' right to withdraw from the informal resolution process, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- E. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

#### **VIII. DISMISSAL OF A FORMAL COMPLAINT**

- A. Under federal law, the school district must dismiss a Title IX complaint, or a portion thereof, if the conduct alleged in a formal complaint or a portion thereof:
  - 1. Would not meet the definition of sexual harassment, even if proven;
  - 2. Did not occur in the school district's education program or activity; or
  - 3. Did not occur against a person in the United States.
- B. The school district may, in its discretion, dismiss a formal complaint or allegations therein if:
  - 1. The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein;
  - 2. The respondent is no longer enrolled or employed by the school district; or
  - 3. Specific circumstances prevent the school district from gathering sufficient evidence to reach a determination.
- C. The school district shall provide written notice to both parties of a dismissal. The

notice must include the reasons for the dismissal.

- D. Dismissal of a formal complaint or a portion thereof does not preclude the school district from addressing the underlying conduct in any manner that the school district deems appropriate.

## **IX. INVESTIGATION OF A FORMAL COMPLAINT**

- A. If a formal complaint is received by the School District, the school district will assign or designate an Investigator to investigate the allegations set forth in the formal complaint.
- B. If during the course of the investigation the school district decides to investigate any allegations about the complainant or respondent that were not included in the written notice of a formal complaint provided to the parties, the school district must provide notice of the additional allegations to the known parties.
- C. When a party's participation is invited or expected in an investigative interview, the Investigator will coordinate with the Title IX Coordinator to provide written notice to the party of the date, time, location, participants, and purposes of the investigative interview with sufficient time for the party to prepare.
- D. During the investigation, the Investigator must provide the parties with an equal opportunity to present witnesses for interviews, including fact witnesses and expert witnesses, and other inculpatory and exculpatory evidence.
- E. Prior to the completion of the investigative report, the Investigator, through the Title IX Coordinator, will provide the parties and their advisors (if any) with an equal opportunity to inspect and review any evidence directly related to the allegations. The evidence shall be provided in electronic format or hard copy and shall include all relevant evidence, evidence upon which the school district does not intend to rely in reaching a determination regarding responsibility, and any inculpatory or exculpatory evidence whether obtained from a party or another source. The parties will have ten (10) days to submit a written response, which the Investigator will consider prior to completion of the investigative report.
- F. The Investigator will prepare a written investigative report that fairly summarizes the relevant evidence. The investigative report may include credibility determinations that are not based on a person's status as a complainant, respondent or witness. The school district will send the parties and their advisors (if any) a copy of the report in electronic format or hard copy, for their review and written response at least ten (10) days prior to a determination of responsibility.

## **X. DETERMINATION REGARDING RESPONSIBILITY**

- A. After the school district has sent the investigative report to both parties and before the school district has reached a determination regarding responsibility, the Decision-maker must afford each party the opportunity to

submit written, relevant questions that a party wants asked of any party or witness.

- B. The Decision-maker must provide the relevant questions submitted by the parties to the other parties or witnesses to whom the questions are offered, and then provide each party with the answers, and allow for additional, limited follow-up questions from each party.
- C. The Decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant.
- D. When the exchange of questions and answers has concluded, the Decision-maker must issue a written determination regarding responsibility that applies the preponderance of the evidence standard to the facts and circumstances of the formal complaint. The written determination of responsibility must include the following:
  - 1. Identification of the allegations potentially constituting sexual harassment;
  - 2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
  - 3. Findings of fact supporting the determination;
  - 4. Conclusions regarding the application of the school district's code of conduct to the facts;
  - 5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the school district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the school district to the complainant; and
  - 6. The school district's procedures and permissible bases for the complainant and respondent to appeal and the date by which an appeal must be made.
- E. In determining appropriate disciplinary sanctions, the Decision-maker 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 incident occurred.
- F. The written determination of responsibility must be provided to the parties simultaneously.
- G. The Title IX Coordinator is responsible for the effective implementation of any remedies.

- H. The determination regarding responsibility becomes final either on the date that the school district provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

## **XI. APPEALS**

- A. The school district shall offer the parties an opportunity to appeal a determination regarding responsibility or the school district's dismissal of a formal complaint or any allegations therein, on the following bases:
1. A procedural irregularity that affected the outcome of the matter (e.g., a material deviation from established procedures);
  2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
  3. The Title IX Coordinator, Investigator, or Decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- B. If notice of an appeal is timely received by the school district, the school district will notify the parties in writing of the receipt of the appeal, assign or designate the Appellate Decision-maker, and give the parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.
- C. After reviewing the parties' written statements, the Appellate Decision-maker must issue a written decision describing the result of the appeal and the rationale for the result.
- D. The written decision describing the result of the appeal must be provided simultaneously to the parties.
- E. The decision of the Appellate Decision-maker is final. No further review beyond the appeal is permitted.

## **XII. RETALIATION PROHIBITED**

- A. Neither the school district nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise



out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of sexual harassment, filing a formal complaint, or participating in an investigation, constitutes a violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

- B. Any person may submit a report or formal complaint alleging retaliation in the manner described in this policy and it will be addressed in the same manner as other complaints of sexual harassment or sex discrimination.
- C. Charging an individual with violation of school district policies for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **XIII. TRAINING**

- A. The school district shall ensure that Title IX Personnel receive appropriate training. The training shall include instruction on:
  - 1. The Title IX definition of sexual harassment;
  - 2. The scope of the school district's education program or activity;
  - 3. How to conduct an investigation and grievance process, appeals, and informal resolution processes, as applicable;
  - 4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
  - 5. For Decision-makers, training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's prior sexual behavior are not relevant; and
  - 6. For Investigators, training on issues of relevance, including the creation of an investigative report that fairly summarizes relevant evidence.
- B. The training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.
- C. Materials used to train Title IX Personnel must be posted on the school district's website. If the school district does not have a website, it must make the training materials available for public inspection upon request.

### **XIV. DISSEMINATION OF POLICY**



- A. This policy shall be made available to all students, parents/guardians of students, school district employee, and employee unions.
- B. The school district shall conspicuously post the name of the Title IX Coordinator, including office address, telephone number, and work e-mail address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- C. The school district must provide applicants for admission and employment, students, parents or legal guardians of secondary school students, employees, and all unions holding collective bargaining agreements with the school district, with the following:
  - 1. The name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator;
  - 2. Notice that the school district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner;
  - 3. A statement that the requirement not to discriminate in the education program or activity extends to admission and employment, and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights of the United States Department of Education, or both; and
  - 4. Notice of the school district's grievance procedures and grievance process contained in this policy, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the school district will respond.

## **XV. RECORDKEEPING**

- A. The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the school district must document:
  - 1. The basis for the school district's conclusion that its response to the report or formal complaint was not deliberately indifferent;
  - 2. The measures the school district has taken that are designed to restore or preserve equal access to the school district's education program or activity; and
  - 3. If the school district does not provide a complainant with supportive measures, then it must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. Such a record

must be maintained for a period of seven years.

4. The documentation of certain bases or measures does not limit the recipient in the future from providing additional explanations or detailing additional measures taken.

B. The school district must also maintain for a period of seven calendar years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the recipient's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and
4. All materials used to train Title IX Personnel.

**Legal References:** Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)  
Minn. Stat. §§ 121A.40 – 121A.575 (Minnesota Pupil Fair Dismissal Act)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments)  
34 C.F.R. Part 106 (Implementing Regulations of Title IX)  
20 U.S.C. § 1400, *et seq.* (Individuals with Disabilities Education Act)  
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act)  
42 U.S.C. § 12101, *et seq.* (Americans with Disabilities Act)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act of 1974)  
20 U.S.C. § 1092 *et seq.* (Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (“Clery Act”))

**Cross References:** CHSD Policy 102 (Equal Educational Opportunity)  
CHSD Policy 413 (Harassment and Violence)  
CHSD Policy 506 (Student Discipline)  
CHSD Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

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## **514 BULLYING PROHIBITION POLICY INCLUDING CYBERBULLYING**

### **I. PURPOSE**

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with a student’s ability to learn and/or a teacher’s ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, the school district intends to prevent bullying and to take action to investigate, respond to, and to remediate and discipline for those acts of bullying which have not been successfully prevented. Appropriate administrative and staff follow-up will be provided for victims of bullying. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, reprisal, retaliation, and other similar disruptive and detrimental behavior.

### **II. GENERAL STATEMENT OF POLICY**

- A. An act of bullying, by either an individual student or a group of students, is expressly prohibited:
1. On school premises, on school district property, at school functions or activities, or on school transportation;
  2. By the use of electronic technology and communications on the school premises, during school functions or activities, on the school transportation, or on the school computers, networks, forums, and mailing lists;
  3. By use of electronic technology and communications off the school premises to extent such use substantially and materially disrupts students learning or the school environment.

- B. A school-aged child who voluntarily participates in a public school activity, such as a cocurricular or extracurricular activity, is subject to the policy provisions applicable to public school students participating in the activity.
- C. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying. This policy also applies to any student whose conduct at any time or in any place constitutes bullying or other prohibited conduct that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student or other students, or materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services or privileges. This policy also applies to an act of cyberbullying regardless of whether such act is committed on or off school district property and/or with or without the use of school district resources. This Policy also applies to sexual exploitation
- D. Malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363.312 is prohibited. This prohibition applies to students, independent contractors, teachers, administrators, and other school personnel.
- E. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- F. Apparent permission or consent by a student being bullied does not lessen or negate the prohibitions contained in this policy.
- G. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- H. False accusations or reports of bullying against another student are prohibited.
- I. A person who engages in an act of bullying, reprisal, retaliation, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with the school district's policies and procedures, including the school district's discipline policy (See CHSD Policy 506). The school district may take into account the following factors:
  - 1. The developmental ages and maturity levels of the parties involved;
  - 2. The levels of harm, surrounding circumstances, and nature and severity of the behavior;
  - 3. Past incidences or past or continuing patterns of behavior;
  - 4. The relationship between the parties involved; and

5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion. The school district shall employ research-based developmentally appropriate best practices that included preventative and remedial measures and effective discipline for deterring violations of this policy, apply throughout the school direct, and foster student, parent, and community participation.

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

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

- J. The school district will act to investigate all complaints of bullying reported to the school district and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who is found to have violated this policy.

### III. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. “Bullying” means intimidating, threatening, abusive, or harming conduct that is objectively offensive and:
1. an actual or perceived imbalance of power exists between the student engaging in the prohibited conduct and the target of the prohibited conduct, and the conduct is repeated or forms a pattern; or
  2. materially and substantially interferes with a student’s educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

The term, “bullying,” specifically includes cyberbullying malicious and sadistic conduct, and sexual exploitation.

- B. “Cyberbullying” means bullying using technology or other electronic communication, including, but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on a social network Internet website or forum, transmitted through a computer, cell phone, or other electronic device. The term applies to prohibited conduct which occurs on school premises, on school district property, at school functions or activities, on school transportation, or on school computers, networks, forums, and mailing lists, or off school premises to the extent that it substantially and materially disrupts student learning or the school environment.

- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Intimidating, threatening, abusive, or harming conduct” means, but is not limited to, conduct that does the following:
1. Causes physical harm to a student or a student’s property or causes a student to be in reasonable fear of harm to person or property;
  2. Under Minnesota common law, violates a student’s reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; or
  3. Is directed at any student or students, including those based on a person’s actual or perceived race, ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age, or any additional characteristic defined in the Minnesota Human Rights Act (MHRA). However, prohibited conduct need not be based on any particular characteristic defined in this paragraph or the MHRA.
- E. “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.
- F. “On school premises, on school district property, at school functions or activities, or on school transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips, While prohibiting bullying at these locations and events the school district does not represent that it will provide supervision or assume liability at these locations and events.
- G. “Prohibited conduct” means bullying, cyberbullying, malicious and sadistic conduct, sexual exploitation, or retaliation or reprisal for asserting, alleging, reporting, or providing information about such conduct or knowingly making a false report about prohibited conduct.
- H. “Remedial response” means a measure to stop and correct prohibited conduct, prevent prohibited conduct from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of prohibited conduct.
- I. “Student” means a student enrolled in a public school or a charter school.

#### IV. REPORTING PROCEDURE

- A. Any person who believes that they have been the target or victim of bullying or any person with knowledge or belief of conduct that may constitute bullying or prohibited conduct under this policy shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report bullying anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other medial 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 in the school district office, but oral reports or electronic reports shall be considered complaints as well.
- C. The building principal or the principal's designee or the building supervisor (hereinafter the "building report taker") is the person responsible for receiving reports of bullying or other prohibited conduct at the building level. Any person may report bullying or other prohibited conduct directly to a school district human rights officer. If the complaint involves the building principal, the complaint shall be made or filed directly with the school district human rights officer by the reporting party or complainant. In the absent of the principal the District human rights officer (Bondo Nyembwe 763-528-4519) may take the complaint.

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 the primary contact on policy and procedural matters. The building report taker or a third party designated by the school district shall be responsible for the investigation. The building report taker shall provide information about available community resources to the target or victim of the bullying or other prohibited conduct, the perpetrator, and other affected individuals as appropriate.

- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute bullying or other prohibited conduct shall make reasonable efforts to address and resolve the bullying or prohibited conduct and shall inform the building principal immediately. School district personnel who fail to inform the building report taker of conduct that may constitute bullying or other prohibited conduct or who fail to make reasonable efforts to address and resolve the bullying or prohibited conduct in a timely manner may be subject to disciplinary action.
- E. Reports of bullying or other prohibited conduct are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of bullying and the record of any resulting investigation.



- F. Submission of a good faith complaint or report of bullying or other prohibited conduct will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. 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 obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

## **V. SCHOOL DISTRICT ACTION**

- A. Within three school days of the receipt of a complaint or report of bullying or other prohibited conduct, the school district shall undertake or authorize an investigation by the building report taker or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the bullying or other prohibited conduct, the complainant, the reporter, and students, or others pending completion of an investigation of the bullying or other prohibited conduct, consistent with applicable law.
- C. The alleged perpetrator of the bullying or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines that bullying or other prohibited conduct 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 conduct. Remedial responses to the bullying or other prohibited conduct shall be tailored to the particular incident and nature of the conduct and shall take into account the factors specified in Section II.F. of this policy. School district action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; the student discipline policy (See CHSD Policy 506) and other applicable school district policies; and applicable regulations.
- E. 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 parent(s) or guardian(s) of students who are targets of bullying or other prohibited conduct and the parent(s) or guardian(s) of alleged perpetrators of bullying or other prohibited conduct who have been involved in a reported and confirmed bullying incident of the remedial or disciplinary action taken to the extent permitted by law.



- F. In order to prevent or respond to bullying or other prohibited conduct committed by or directed against a child with a disability, the school district shall, when determined appropriate by the child's individualized education program (IEP) team 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 bullying or other prohibited conduct.

## **VI. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged bullying or prohibited conduct, who provides information about bullying or prohibited conduct, who testifies, assists, or participates in an investigation of alleged bullying prohibited conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such bullying. 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 and shall take into account the factors specified in Section II.F. of this policy.

## **VII. TRAINING AND EDUCATION**

- A. Consistent with its applicable policies and practices, the school district discuss this policy with students, school personnel and volunteers and provide appropriate training for all school district personnel to prevent, identify, and respond to prohibited conduct. The school district must establish a training cycle for school personnel to occur during a period not to exceed every three school years. Newly employed school personnel must receive the training within the first year of their employment with the school district. The school district or a school administrator may accelerate the training cycle or provide additional training based on a particular need or circumstance. This policy shall be included in employee handbooks, training materials, and publications on school rules, procedures, and standards of conduct, which materials shall also be used to publicize this policy.
- B. The school district shall require ongoing professional development, consistent with Minnesota Statutes section 122A.60, to build the skills of all school personnel who regularly interact with students to identify, prevent, and appropriately address bullying and other prohibited conduct. Such professional development includes, but is not limited to, the following:
1. Developmentally appropriate strategies both to prevent and to immediately and effectively intervene to stop prohibited conduct;
  2. The complex dynamics affecting a perpetrator, target, and witnesses to prohibited conduct;

3. Research on prohibited conduct, including specific categories of students at risk for perpetrating or being the target or victim of bullying or other prohibited conduct in school;
  4. The incidence and nature of cyberbullying; and
  5. Internet safety and cyberbullying.
- C. The school district annually will provide education and information to students regarding bullying, including information regarding this school district policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying and other prohibited conduct.
- D. The administration of the school district is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the target or victim, and to make resources or referrals to resources available to target or victims of bullying.
- E. The administration is encouraged to provide developmentally appropriate instruction and is directed to review programmatic instruction to determine if adjustments are necessary to help students identify and prevent or reduce bullying and other prohibited conduct, to value diversity in school and society, to develop and improve students' knowledge and skills for solving problems, managing conflict, engaging in civil discourse, and recognizing, responding to, and reporting bullying or other prohibited conduct, and to make effective prevention and intervention programs available to students.

The administration must establish strategies for creating a positive school climate and use evidence-based social-emotional learning to prevent and reduce discrimination and other improper conduct.

The administration is encouraged, to the extent practicable, to take such actions as it may deem appropriate to accomplish the following:

1. Engage all students in creating a safe and supportive school environment;
2. Partner with parents/guardians and other community members to develop and implement prevention and intervention programs;
3. Engage all students and adults in integrating education, intervention, and other remedial responses into the school environment;
4. Train student bystanders to intervene in and report incidents of bullying and other prohibited conduct to the schools' primary contact person;
5. Teach students to advocate for themselves and others;
6. Prevent inappropriate referrals to special education of students who may engage in bullying or other prohibited conduct; and

7. Foster student collaborations that, in turn, foster a safe and supportive school climate.
- F. The school district may implement violence prevention and character development education programs to prevent or 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, and resourcefulness.
- G. The school district shall inform affected students and their parents of rights they may have under state and federal data practices laws to obtain access to data related to an incident and their right to contest the accuracy or completeness of the data. The school district may accomplish this requirement by inclusion of all or applicable parts of its protection and privacy of pupil records policy (See CHSD Policy 515) in the student handbook.

## **VIII. NOTICE**

- A. The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student handbook.
- B. Article II, paragraph D, regarding malicious and sadistic conduct must be conspicuously posted throughout each school building.
- C. This policy shall be conspicuously posted in the administrative offices of the school district in summary form.
- D. This policy must be distributed to each school district or school employee and independent contractor, if the contractor regularly interacts with students, at the time of employment with the district or the school.
- E. Notice of the rights and responsibilities of students and their parents under this policy must be included in the student discipline policy (See CHPD Policy 506) distributed to parents at the beginning of each school year.
- F. This policy shall be available to all parents and other school community members in an electronic format in the language appearing on the school district's or a school's website, consistent with the district policies and practices.
- G. The school district shall provide an electronic copy of its most recently amended policy to the Minnesota Commissioner of Education.

## **IX. POLICY REVIEW**

To the extent practicable, the school board shall, on a cycle consistent with other school district policies, review and revise this policy. The policy shall be made consistent with Minn. Statutes,

sections § 121A.031 and 121A.0312 and other applicable law. Revisions shall be made in consultation with students, parents, and community organizations.

**Legal References:** MINN. STAT. Ch. 13 (Minnesota Government Data Practices Act)  
MINN. STAT. § 120A.05, Subds. 9, 11, 13, and 17 (Definition of Public School)  
MINN. STAT. § 120B.232 (Character Development Education)  
MINN. STAT. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)  
MINN. STAT. § 121A.031 (School Student Bullying Policy)  
MINN. STAT. § 121A.0311 (Notice of Rights and Responsibilities of Students and Parents under the Safe and Supportive Minnesota Schools Act)  
MINN. STAT. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)  
MINN. STAT. § 121A.69 (Hazing Policy)  
MINN. STAT. § 124E (Charter School)  
MINN. STAT. Ch. 363A (Minnesota Human Rights Act)  
20 U.S.C. § 1232g *et seq.* (Family Educational Rights and Privacy Act)  
34 C.F.R. §§ 99.1 - 99.67 (Family Educational Rights and Privacy)

**Cross References:** CHSD Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
CHSD Policy 413 (Harassment and Violence)  
CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
CHSD Policy 423 (Employee-Student Relationships)  
CHSD Policy 501 (School Weapons Policy)  
CHSD Policy 506 (Student Discipline)  
CHSD Policy 507 (Corporal Punishment)  
CHSD Policy 515 (Protection and Privacy of Pupil Records)  
CHSD Policy 521 (Student Disability Nondiscrimination)  
CHSD Policy 522 (Title IX Sex Nondiscrimination Policy)  
CHSD Policy 524 (Internet Acceptable Use and Safety Policy)  
CHSD Policy 525 (Violence Prevention)  
CHSD Policy 526 (Hazing Prohibition)  
CHSD Policy 529 (Staff Notification of Violent Behavior by Students)  
CHSD Policy 709 (Student Transportation Safety Policy)  
CHSD Policy 711 (Video Recording on School Buses)  
CHSD Policy 712 (Video Surveillance Other Than on Buses)

## Incident Report Form



Columbia Heights Public School District maintains a firm policy prohibiting all forms of discrimination including bullying, harassment, hazing. For more information, see school board policies 514, 525 and 526.

### Definitions

**Bullying** means behavior by an individual student or group of students that is:

- intimidating, threatening, abusive or harmful and;
- involves an actual or perceived imbalance of power in which the student being bullied has difficulty defending himself/herself; and
- the conduct is repeated or forms a pattern and;
- materially and substantially interferes with a student's educational opportunities or performance or ability to participate in school functions or activities or receive school benefits, services, or privileges.

**Harassment** means 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 (Protected Class) when the conduct:

- has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- otherwise adversely affects an individual's employment or academic opportunities.

**Hazing** means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose.

**Name of person completing this form:** \_\_\_\_\_

I am (Choose one)\_\_\_ Victim \_\_\_ Bystander \_\_\_ Parent/Guardian \_\_\_ Staff Member \_\_\_ Other: \_\_\_

Home address: \_\_\_\_\_

Phone number: \_\_\_\_\_ Email: \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_ School: \_\_\_\_\_

**Tell us what happened.**

Student who was harmed: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

Student (s) who did the harm: \_\_\_\_\_ Grade: \_\_\_\_\_ School: \_\_\_\_\_

**Where** did the incident happen? \_\_\_\_\_

**When** did the incident happen? \_\_\_\_\_

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*): \_\_\_\_\_  
\_\_\_\_\_

**Check one or more boxes below.**

**The bullying, harassment or hazing was on the basis of:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Disability                                     | <input type="checkbox"/> Race/Color/National Origin                                  | <input type="checkbox"/> Religion                                |
| <input type="checkbox"/> Sex  | <input type="checkbox"/> Sexual Orientation including gender identity and expression |  |
| <input type="checkbox"/> Ethnicity                                      | <input type="checkbox"/> Creed   | <input type="checkbox"/> Marital Status                          |
| <input type="checkbox"/> Familial Status                                | <input type="checkbox"/> Socioeconomic Status  | <input type="checkbox"/> Physical Appearance                     |
| <input type="checkbox"/> Immigration Status                             | <input type="checkbox"/> Age   | <input type="checkbox"/> Status with Regard to Public Assistance |
| <input type="checkbox"/> Academic Status Related to Student Performance |  | <input type="checkbox"/> Other                                   |

Did you see the event happen? \_\_\_ Yes \_\_\_ No

If no, who made the report to you? \_\_\_\_\_

Did anyone else see what happened? \_\_\_ Yes \_\_\_ No Who? \_\_\_\_\_

Was an adult nearby? \_\_\_ Yes \_\_\_ No Who? \_\_\_\_\_

\_\_\_\_\_ 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.

Reporter Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

**For Office Use Only**

Incident ID #: \_\_\_\_\_ Other: \_\_\_\_\_

*Adopted: March 10, 1998*  
*Revised: November 24, 1998*  
*Revised: June 12, 2006*  
*Revised: April 13, 2010*  
*Revised: December 14, 2010*  
*Revised: November 8, 2011*  
*Revised: February 11, 2014*  
*Revised: May 26, 2015*  
*Revised: June 12, 2018*  
*Reviewed: December 12, 2023*

*Columbia Heights School Board Policy 526*



## **526 HAZING PROHIBITION**

### **I. PURPOSE**

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of the school district and are prohibited at all times.

### **II. GENERAL STATEMENT OF POLICY**

- A. No student, teacher, administrator, volunteer, contractor or other employee of the school district shall plan, direct, encourage, aid or engage in hazing.
- B. No teacher, administrator, volunteer, contractor or other employee of the school district shall permit, condone or tolerate hazing.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of hazing is prohibited.
- E. False accusations or reports of hazing against a student, teacher, administrator, volunteer, contractor, or other employee are prohibited.
- F. A person who engages in an act of hazing, reprisal, retaliation, or false reporting of hazing or permits, condones, or tolerates hazing 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, tolerate, or are a party to prohibited acts of hazing 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 hazing or engage in an act of reprisal or intentional false reporting of hazing may result in disciplinary action up to and including termination or discharge.

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

- G. This policy applies to hazing that occurs during and after school hours, on or off school premises or property, at school functions or activities, or on school transportation.
- H. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- I. The school district will act to investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school district who is found to have violated this policy.

### **III. DEFINITIONS**

- A. “Hazing” means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other school-related purpose. The term hazing includes, but is not limited to:
  - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
  - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
  - 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.



- 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.
- B. “Immediately” means as soon as possible but in no event longer than 24 hours.
- C. “On school premises or school district property, or at school functions or activities, or on school transportation” means all school district buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for school district purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips. School district property also may mean a student’s walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting hazing at these locations and events, the school district does not represent that it will provide supervision or assume liability at these locations and events.
- D. “Remedial response” means a measure to stop and correct hazing, prevent hazing from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of hazing.
- E. “Student” means a student enrolled in a public school or a charter school.
- F. “Student organization” means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

#### **IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report hazing 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 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.

The building principal, the principal’s designee, or the building supervisor (hereinafter the “building report taker”) is the person responsible for receiving reports of hazing at the building level. Any adult school district personnel who

receives a report of hazing prohibited by this policy shall inform the building report taker immediately. Any person may report hazing directly to a school district human rights officer, Bondo Nyembwe, Executive Director of Educational Services 763-528-4519 or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent 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.

- C. A teachers, administrators, volunteers, contractors and other school employees shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct which may constitute hazing shall make reasonable efforts to address and resolve the hazing and shall inform the building principal immediately. School district personnel who fail to inform the building report taker of conduct that may constitute hazing or who fail to make reasonable efforts to address and resolve the hazing in a timely manner may be subject to disciplinary action.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades, work assignments or educational or work environment.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. The building report taker, in conjunction with the responsible authority, shall be responsible for keeping and regulating access to any report of hazing and the record of any resulting investigation.
- F. 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.

## **V. SCHOOL DISTRICT ACTION**

- A. Within three (3) days of the receipt of a complaint or report of hazing, the school district shall undertake or authorize an investigation by school district officials or a third party designated by the school district.
- B. The building report taker or other appropriate school district officials may take immediate steps, at their discretion, to protect the target or victim of the hazing,

the complainant, the reporter, and students or others pending completion of an investigation of alleged hazing prohibited by this policy.

- C. The alleged perpetrator of the hazing shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
- D. Upon completion of an investigation that determines hazing 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 the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act; and applicable school district policies and regulations.
- E. 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 parents or legal guardian of students who are targets or victims of hazing and the parents or legal guardian of alleged perpetrators of hazing who have been involved in a reported and confirmed hazing incident of the remedial or disciplinary action taken, to the extent permitted by law.
- F. In order to prevent or to respond to hazing 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) team 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 hazing.

## **VI. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school district who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged hazing, who provides information about hazing, who testifies, assists, or participates in an investigation of alleged hazing, or who testifies, assists or participates in a proceeding or hearing relating to such hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or 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.

## **VII. DISSEMINATION OF POLICY**

- A. This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks.
- B. The school district will develop a method of discussing this policy with students and employees.

**Legal References:** MINN. STAT. § 121A.031 (School Student Bullying Policy)  
MINN. STAT. § 121A.0311 (Notice of the Rights and Responsibilities of Students and Parents Under the Safe and Supportive Minnesota Schools Act)  
MINN. STAT. § 121A.40-121A.56 (Pupil Fair Dismissal Act)  
MINN. STAT. § 121A.69 (Hazing Policy)

**Cross Reference:** CHSD Policy 403 (Discipline, Suspension and Dismissal of School District Employees)  
CHSD Policy 413 (Harassment and Violence)  
CHSD Policy 506 (Student Discipline)  
CHSD Policy 514 (Bullying Prohibition Policy)  
CHSD Proposed Policy 525 (Violence Prevention [Applicable to Students and Staff])

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*Revised: April 11, 2023*  
*Revised: July 9, 2024*

## *Columbia Heights School Board Policy 414*



### **414 MANDATED REPORTING OF CHILD NEGLECT, PHYSICAL OR SEXUAL ABUSE**

*[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]*

#### **I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

#### **II. GENERAL STATEMENT OF POLICY**

- A. It is the policy of the school district to fully comply with Minnesota Statutes chapter-260E requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. A violation of this policy occurs when any school personnel fails to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

#### **III. DEFINITIONS**

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event that:
1. is not likely to occur and could not have been prevented by exercise of due care; and
  2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minnesota Statutes chapter 260C (Juvenile Safety and Placement), and Minnesota Statutes chapter 260D (Child in Voluntary Foster Care for Treatment), includes an individual under age 21 who is in foster care pursuant to Minnesota Statutes chapter 260C.451 (Foster Care Benefits Past Age 18).
- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being maltreated, or has been maltreated within the preceding three years.
- E. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- F. “Neglect” means the commission or omission of any of the acts specified below, other than an accidental means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health care, medical, or other care required for the child’s physical or mental health when reasonably able to do so;
  2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
  3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors, as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child’s own basic needs or safety or the basic needs or safety of another child in his or her care;

4. failure to ensure that a child is educated in accordance with state law, which does not include a parent's refusal to provide his or her child with sympathomimetic medications;
5. prenatal exposure to a controlled substance as defined in state law used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child's birth, medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance or the presence of a fetal alcohol spectrum disorder;
6. medical neglect as defined by Minnesota Statutes section 260C.007, subdivision 6, clause (5);
7. chronic and severe use of alcohol or a controlled substance by a person responsible for the care of the child that adversely affects the child's basic needs and safety; or
8. emotional harm from a pattern of behavior that contributes to impaired emotional functioning of the child, which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

Neglect does not occur solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care.

- G. "Nonmaltreatment mistake" occurs when: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minnesota Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minnesota Rules chapter 9503.
- H. "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the

care of the child such as a teacher, school administrator, other school employee or agent, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

- I. “Physical abuse” means any physical injury, mental injury (under subdivision 13), or threatened injury (under subdivision 23), inflicted by a person responsible for the child’s care on a child other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child’s history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minnesota Statutes section 125A.0942 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian that does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee, as allowed by Minnesota Statutes section 121A.582.

Actions that are not reasonable and moderate include, but are not limited to, any of the following: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions that result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child’s breathing; (6) threatening a child with a weapon, as defined in Minnesota Statutes section 609.02, Subdivision 6; (7) striking a child under age one on the face or head; (8) striking a child who is at least age one but under age four on the face or head, which results in an injury; (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances—that were not prescribed for the child by a practitioner, in order to control or punish the child, or other substances that substantially affect the child’s behavior, motor coordination, or judgment or that result in sickness or internal injury, or that subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (10) unreasonable physical confinement or restraint not permitted under Minnesota Statutes section 609.379, including, but not limited to, tying, caging, or chaining; or (11) in a school facility or school zone, an act by a person responsible for the child’s care that is a violation under Minnesota Statutes section 121A.58.

- J. “Report” means any communication received by the local welfare agency, police department, county sheriff, or agency responsible for child protection pursuant to this section that describes maltreatment of a child and contains sufficient content to identify the child and any person believed to be responsible for the maltreatment, if known.
- K. “School personnel” means professional employee or professional’s delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.



- L. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (as defined in Minnesota Statutes section 609.341, Subdivision 15), or by a person in a current or recent position of authority (as defined in Minnesota Statutes section 609.341, Subdivision. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration, sexual contact, solicitation of children to engage in sexual conduct, and communication of sexually explicit materials to children. Sexual abuse also includes any act involving a minor that constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes all reports of known or suspected child sex trafficking involving a child who is identified as a victim of sex trafficking. Sexual abuse includes threatened sexual abuse which includes the status of a parent or household member who has committed a violation that requires registration under Minnesota Statutes section 243.166, Subdivision 1b(a) or (b)
- M. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has (1) subjected the child to, or failed to protect a child from, an overt act or condition that constitutes egregious harm; (2) been found to be palpably unfit; (3) committed an act that resulted in an involuntary termination of parental rights; (4) , or committed an act that resulted in the involuntary transfer of permanent legal and physical custody of a child to a relative.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter shall immediately report the information to the local welfare agency, agency responsible for assessing or investigating the report, police department, county sheriff, tribal social services agency, or tribal police department. The reporter will include his or her name and address in the report.
- B. An oral report shall be made immediately by telephone or otherwise. The oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assessing or investigating the report. Any report shall be of sufficient content to identify the child, any person believed to be responsible for the maltreatment of the child if the person is known, the nature and extent of the maltreatment and the name and address of the reporter.
- C. Regardless of whether a report is made, as soon as practicable after a school receives information regarding an incident that may constitute maltreatment of a child in a school facility, the school shall inform the parent, legal guardian, or custodian of the child that an incident has occurred that may constitute

maltreatment of the child, when the incident occurred, and the nature of the conduct that may constitute maltreatment.

- D. A mandated reporter who knows or has reason to know of the deprivation of custodial or parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- E. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- F. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- G. An employer of a mandated reporter shall not retaliate against the person for reporting in good faith maltreatment against a child with respect to whom a report is made, because of the report.
- H. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, plus costs and reasonable attorney fees. Knowingly or recklessly making a false report also may result in discipline.

***[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]***

## **V. INVESTIGATION**

- A. The responsibility for assessing or investigating reports of suspected maltreatment rests with the appropriate state, county, or local agency or agencies. The agency responsible for assessing or investigating reports of maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged offender, and any other person with knowledge of the maltreatment for the purpose of gathering facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of the alleged offender or parent, legal guardian, or school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials

may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged offender is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes chapter 13, and the Family Educational Rights and Privacy Act, 20 United States Code section 1232g.

## **VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE**

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the

interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.

- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

## **VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE**

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

## **VIII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall appear in school personnel handbooks.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

**Legal References:** MINN. Stat. Ch. 13 (Minnesota Government Data Practices Act)  
MINN. Stat. § 121A.58 (Corporal Punishment)  
MINN. Stat. § 121A.582 (Student Discipline; Reasonable Force)  
MINN. Stat. § 125A.0942 (Standards for Restrictive Procedures)  
MINN. Stat. § 243.166, Subd. 1b(a)(b) (Registration of Predatory Offenders)  
MINN. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)  
MINN. Stat. § 260C.007, Subd. 6, Clause (5) (Child in Need of Protection)  
MINN. Stat. § 260C.451 (Foster Care Benefits Past Age 18)  
MINN. Stat. Ch. 260D (Child in Voluntary Foster Care for Treatment)  
MINN. Stat. Ch. 260E (Reporting of Maltreatment of Minors)  
MINN. Stat. § 609.02, Subd. 6 (Definitions—Dangerous Weapon)  
MINN. Stat. § 609.341, Subd. 10 (Definitions—Position of Authority)  
MINN. Stat. § 609.341, Subd. 15 (Definitions—Significant Relationship)  
MINN. Stat. § 609.379 (Reasonable Force)  
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

**Cross References:** CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)



## Confidential Student Maltreatment Reporting Form

Date submitted: \_\_\_\_\_ SMP File # \_\_\_\_\_ (MDE staff use only)

### REPORTER (Reporter is confidential under Minnesota Statutes, section 260E.)

Name: \_\_\_\_\_ Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_ Mandated Reporter: Yes No

### SCHOOL INFORMATION (Current Enrollment Location of Alleged Victim)

ISD#: \_\_\_\_\_ School District: \_\_\_\_\_ School/ Program Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Principal/Director: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Transportation Company Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### ALLEGED VICTIM

Name: \_\_\_\_\_ Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Male Female DOB: \_\_\_\_\_ Grade: \_\_\_\_\_ Race/Ethnicity: \_\_\_\_\_

Receives Special Education Services: Yes No Primary Disability Category: \_\_\_\_\_

Alleged Victim is over the age of 18: Yes No (If over 18, please provide the following contact information)

Alleged Victim Phone: \_\_\_\_\_ Alleged Victim Email: \_\_\_\_\_

Alleged Victim has a legal guardian: Yes No

Parent/Guardian 1: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Parent/Guardian 2: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Minnesota Department of Education  
Student Maltreatment Program  
1500 Highway 36 West, Roseville, MN 55113-4266  
Reporting Line: 651-582-8546  
Fax: 651-797-1601  
Email: [mde.student-maltreatment@state.mn.us](mailto:mde.student-maltreatment@state.mn.us)

November, 2020

**ALLEGED OFFENDER**

Name: \_\_\_\_\_ Position: \_\_\_\_\_ DOB: \_\_\_\_\_ Male      Female  
Home Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Email: \_\_\_\_\_  
Race/Ethnicity: \_\_\_\_\_ Phone: \_\_\_\_\_ Alternate Phone: \_\_\_\_\_  
Licensed:            Yes            No  
If licensed, name of licensing board(s): \_\_\_\_\_ License/Folder # \_\_\_\_\_

**INCIDENT**

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Setting (i.e. Bus, Classroom): \_\_\_\_\_  
Location and Address (if different than enrolled school): \_\_\_\_\_  
Witness \_\_\_\_\_ Phone: \_\_\_\_\_  
Witness \_\_\_\_\_ Phone: \_\_\_\_\_  
Police Notified:            Yes            No      Police Department: \_\_\_\_\_  
Police Contact: \_\_\_\_\_ Phone: \_\_\_\_\_ Case #: \_\_\_\_\_

**Alleged Maltreatment:**      Physical Abuse      Sexual Abuse      Neglect      Unknown

Injury:            Yes            No

**Description of Incident and Injury:** (please attach additional documentation, if needed)

*Adopted: March 9, 1999*  
*Revised: June 27, 2005*  
*Revised: May 11, 2010*  
*Revised: June 14, 2011*  
*Reviewed: November 8, 2011*  
*Reviewed: October 9, 2012*  
*Reviewed: November 12, 2013*  
*Reviewed: September 9, 2014*  
*Reviewed: April 15, 2015*  
*Reviewed: May 12, 2016*  
*Revised: June 14, 2016*  
*Reviewed: June 27, 2017*  
*Reviewed: December 11, 2018*  
*Reviewed: October 8, 2019*  
*Reviewed: November 10, 2020*  
*Reviewed: March 8, 2022*  
*Revised: February 14, 2023*  
*Revised: July 9, 2024*

## *Columbia Heights School Board Policy 415*



### **415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS**

*[Note: This policy reflects the mandatory law regarding reporting maltreatment of vulnerable adults and is not discretionary in nature.]*

#### **I. PURPOSE**

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

#### **II. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to comply fully with Minnesota Statutes section 626.557, requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. A violation of this policy occurs when any school personnel fails to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

#### **III. DEFINITIONS**

- A. "Abuse" means:

- 1. An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in Minnesota Statutes sections 609.221 to 609.224; (2)

the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in Minnesota Statutes section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in Minnesota Statutes sections 609.342 to 609.3451. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction.

2. Conduct which is not an accident or therapeutic conduct as defined in, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under Minnesota Statutes section 245.825.

3. Any sexual contact or penetration as defined in Minnesota Statutes section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility.

4. The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another.

Abuse does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subdivision 2.

- B. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- C. "Common entry point" means the entity responsible for receiving reports of alleged or suspected maltreatment of a vulnerable adult and designated by the Commissioner of the Minnesota Department of Human Services as the MN Adult Abuse Reporting Center (MAARC).
- D. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the



willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.

- E. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.
- F. "Mandated reporters" means a professional or professional's delegate while engaged in education.
- G. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- H. "Neglect" means failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct.
- I. Neglect also means the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minnesota Statutes section 626.5572, Subd. 17.
- J. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement or other care-taking services of vulnerable adults.
- K. "Vulnerable adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services required to be licensed under Minnesota Statutes chapter 245A, except as excluded under Minnesota Statutes section 624.5572, Subdivision 21 (a)(2); (3) receives services from a licensed home care provider or person or organization that offers, provides, or arranges for personal care assistance services under the medical assistance program; or (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction that impairs the individual's ability to provide adequately for the individual's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has impaired ability to protect the individual's self from maltreatment.

#### **IV. REPORTING PROCEDURES**

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the common entry point responsible for receiving reports.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The report shall, to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose not public data as defined under Minnesota Statutes section 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

#### **V. INVESTIGATION**

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

#### **VI. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy should appear in school personnel handbooks as appropriate.

- B. The school district will develop a method of discussing this policy with employees as appropriate.
- C. This policy should be reviewed at least annually for compliance with state law.

**Legal References:** Minn. Stat. § 13.02 (Government Data Practices, Definitions)  
Minn. Stat. Ch. 245A (Human Services Licensing)  
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)  
Minn. Stat. §§ 609.221-609.224 (Assault)  
Minn. Stat. 609.232 (Crimes Against Vulnerable Adults; Definitions)  
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)  
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)  
Minn. Stat. 626.557 (Reporting of Maltreatment of Vulnerable Adults)  
Minn. Stat. 626.5572 (Definitions)  
*In re Kleven*, 736 N. W. 2d 707 (Minn. App. 2007)

**Cross References:** CHSD Policy 103 (Complaints-Students, Employees, Parents, Other Persons)  
CHSD Proposed Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee or Student)  
CHSD Policy 403 (Discipline Suspension and Dismissal of School District Employees)  
CHSD Policy 406 (Public and Private Personnel Data)  
CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
CHSD Policy 515 (Protection and Privacy of Pupil Records)

## **Nursing Mothers, Lactating Employees, and Pregnancy Accommodations employee notice**

Minnesota's Nursing Mothers, Lactating Employees, and Pregnancy Accommodations law (Minnesota Statutes § 181.939) gives pregnant and lactating employees certain legal rights.

Pregnant employees have the right to request and receive reasonable accommodations, which may include, but are not limited to, more frequent or longer breaks, seating, limits to heavy lifting, temporary transfer to another position, temporary leave of absence or modification in work schedule or tasks. An employer cannot require an employee to take a leave or accept an accommodation.

Lactating employees have the right to reasonable paid break times to express milk at work unless they are expressing milk during a break that is not usually paid, such as a meal break. Employers should provide a clean, private and secure room that is not a bathroom near the work area that includes access to an electrical outlet for employees to express milk.

It is against the law for an employer to retaliate, or to take negative action, against a pregnant or lactating employee for exercising their rights under this law.

Employees who believe their rights have been violated under this law can contact the Minnesota Department of Labor and Industry's Labor Standards Division at [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or 651-284-5075 for help. Employees also have the right to file a civil lawsuit for relief. For more information about this law, visit [dli.mn.gov/newparents](https://dli.mn.gov/newparents).

**January 1, 2024/Updated May 1, 2024 – Subject to Change**

## **Earned sick and safe time employee notice**

Employees in Minnesota are entitled to earned sick and safe time, a form of paid leave. Employees will receive a minimum of 80 hours of earned sick and safe time and made available for immediate use at the start of each year. A year for purposes of the employee's earned sick and safe time accrual is: July 1<sup>st</sup> – June 30<sup>th</sup>. An employer's existing leave policy may already fully or partially meet Minnesota's earned sick and safe time requirements and additional time will not be given. If you do not wish to designate missed time as earned sick and safe time hours, indicate it on the leave designation form.

The earned sick and safe time hours the employee has available, as well as those that have been used in the most recent pay period, must be indicated on the employee's earnings statement that they receive at the end of each pay period. Earned sick and safe time must be paid at the same hourly rate employees earn from employment. Employees are not required to seek or find a replacement for their shift to use earned sick and safe time. They may use earned sick and safe time for all or part of a shift, depending on their need.

Earned sick and safe time can be used for:

- an employee's mental or physical illness, treatment or preventive care;
- the mental or physical illness, treatment or preventive care of an employee's family member;
- absence due to domestic abuse, sexual assault or stalking of an employee or their family member;
- closure of an employee's workplace due to weather or public emergency or closure of their family member's school or care facility due to weather or public emergency; and
- when determined by a health authority or health care professional that an employee or their family member is at risk of infecting others with a communicable disease.
- making funeral arrangements, attending a funeral service or memorial or addressing financial or legal matters that arise after the death of a family member.

## **Notifying employer, documentation**

An employer can require their employees to provide up to seven days of advance notice when possible (for example, when an employee has a medical appointment scheduled in advance) before using sick and safe time. An employer can also require their employees to provide certain documentation regarding the reason for their use of earned sick and safe time if they use it for more than three consecutive days.

If an employee plans to use earned sick and safe time for an appointment, preventive care or another permissible reason they know of in advance, inform your supervisor by phone, text or email as far in advance as possible, but at least three days in advance. In situations where an employee cannot provide advance notice, the employee should contact their supervisor by phone, text or email as soon as they know they will be unable to work (normal call-in procedures).

## Retaliation, right to file complaint

It is against the law for an employer to retaliate, or to take negative action, against an employee for using or requesting earned sick and safe time or otherwise exercising their earned sick and safe time rights under the law. If an employee believes they have been retaliated against or improperly denied earned sick and safe time, they can file a complaint with the Minnesota Department of Labor and Industry. They can also file a civil action in court for earned sick and safe time violations.

## For more information

Contact the Minnesota Department of Labor and Industry's Labor Standards Division at 651-284-5075 or [dli.laborstandards@state.mn.us](mailto:dli.laborstandards@state.mn.us) or visit the department's earned sick and safe time webpage at [dli.mn.gov/sick-leave](http://dli.mn.gov/sick-leave).

This document contains important information about your employment. Check the box at the left to receive this information in this language.

Spanish/Español	Este documento contiene información importante sobre su empleo. Marque la casilla a la izquierda para recibir esta información en este idioma.
Hmong/Hmoob	Daim ntawv no muaj cov xov tseem ceeb hais txog thaum koj ua hauj lwj. Khij lub npauv ntawm sab laug yog koj xav tau cov xov tseem ceeb no txhais ua lus Hmoob.
Vietnamese/Việt ngữ	Tài liệu này chứa thông tin quan trọng về việc làm của quý vị. Đánh dấu vào ô bên trái để nhận thông tin này bằng Việt ngữ.
Simp. Chinese/简体中文	本文件包含与您的雇用相关的重要信息。勾选左边的方框将接收以这种语言提供的信息。
Russian/русский	Данный документ содержит важную информацию о вашем трудоустройстве. Отметьте галочкой квадрат слева для получения этой информации на данном языке.
Somali/Soomaali	Dokumentigan waxaa ku qoran macluumaad muhiim ah oo ku saabsan shaqadaada. Calaamadi sanduugan haddii aad rabto inaad macluumaadkan ku hesho luqaddan.
Laotian/ລາວ	ເອກະສານນີ້ມີຂໍ້ມູນທີ່ສໍາຄັນກ່ຽວກັບການຈ້າງງານຂອງທ່ານ. ກວດເບິ່ງກ່ອງທີ່ຢູ່ເບື້ອງຊ້າຍເພື່ອຮັບຂໍ້ມູນນີ້ໃນພາສານີ້.
Korean/한국어	이 문서에는 귀하의 고용 형태에 관련된 중요한 정보가 담겨있습니다. 이 언어로 이 정보를 받기를 원하시면 왼쪽 상자에 체크하여 주세요.
Tagalog/Tagalog	Ang dokumentong ito ay nagtataglay ng mahalagang impormasyon tungkol sa iyong pagtatrabaho. Lagyan ng tsek ang kahon sa kaliwa upang matanggap ang impormasyong ito sa wikang ito.
Oromo/Oromoo	Waraqaan kun waayee hojii keetii odeeffannoo barbaachisoo ta'an qabatee jira. Saaxinnii karaa bitaatti argamu kana irratti mallattoo godhi yoo afaan Kanaan barreeffama argachuu barbaadde.
Amharic/አማርኛ	ይህ ደብዳቤ ስለሰራተኛው ስራ ስለሚገኝበት ሁኔታ ይዘት አለው። ይህንን ደብዳቤ በስተግራ በኩል ባለው ቋንቋ ተተርጉሞ እንዲሰጥኩ ከፈለጉ በዛው በስተግራ በኩል ባለው ሳጥን ውስጥ ምልክት ያድርጉ።
Karen / ကညီကျိာ်	လၢ်တၢ်လၢ်မိတာခါအဲလၢ်သ့တၢ်ဂ့ၢ်တၢ်ကျိၢ်အကါခိၣ်လၢအဘၣ်သးဒီးန့တၢ်ပံးတၢ်မၤန့ၣ်လၢ. တၢ်န့ၣ်တၢ်ဒၤလၢအစ့ၣ်တကတၢ်လၢတၢ်ကဒီးန့တၢ်ဂ့ၢ်တၢ်ကျိၢ်လၢကျိၢ်တခါအဲအံၤတၢ်က့ၢ်.
Arabic/ العربية	يحتوي هذا المستند على معلومات مهمة حول عملك. ضع علامة في المربع على اليمين للحصول على هذه المعلومات في هذه اللغة.

**181.960 DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 181.960 to 181.966 and unless otherwise provided, the following terms have the meanings given in this section.

Subd. 2. **Employee.** "Employee" means a person who performs services for hire for an employer, provided that the services have been performed predominately within this state. The term includes any person who has been separated from employment for less than one year. The term does not include an independent contractor.

Subd. 3. **Employer.** "Employer" means a person who has 20 or more employees. Employer does not include a state agency, statewide system, political subdivision, or advisory board or commission that is subject to chapter 13.

Subd. 4. **Personnel record.** "Personnel record," to the extent maintained by an employer, means: any application for employment; wage or salary history; notices of commendation, warning, discipline, or termination; authorization for a deduction or withholding of pay; fringe benefit information; leave records; and employment history with the employer, including salary and compensation history, job titles, dates of promotions, transfers, and other changes, attendance records, performance evaluations, and retirement record. The term does not include:

(1) written references respecting the employee, including letters of reference supplied to an employer by another person;

(2) information relating to the investigation of a violation of a criminal or civil statute by an employee or an investigation of employee conduct for which the employer may be liable, unless and until:

(i) the investigation is completed and, in cases of an alleged criminal violation, the employer has received notice from the prosecutor that no action will be taken or all criminal proceedings and appeals have been exhausted; and

(ii) the employer takes adverse personnel action based on the information contained in the investigation records;

(3) education records, pursuant to section 513(a) of title 5 of the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232g, that are maintained by an educational institution and directly related to a student;

(4) results of employer testing, except that the employee may see a cumulative total test score for a section of the test or for the entire test;

(5) information relating to the employer's salary system and staff planning, including comments, judgments, recommendations, or ratings concerning expansion, downsizing, reorganization, job restructuring, future compensation plans, promotion plans, and job assignments;

(6) written comments or data of a personal nature about a person other than the employee, if disclosure of the information would constitute an intrusion upon the other person's privacy;

(7) written comments or data kept by the employee's supervisor or an executive, administrative, or professional employee, provided the written comments or data are kept in the sole possession of the author of the record;

(8) privileged information or information that is not discoverable in a workers' compensation, grievance arbitration, administrative, judicial, or quasi-judicial proceeding;

(9) any portion of a written or transcribed statement by a coworker of the employee that concerns the job performance or job-related misconduct of the employee that discloses the identity of the coworker by name, inference, or otherwise; and

(10) medical reports and records, including reports and records that are available to the employee from a health care services provider pursuant to sections 144.291 to 144.298.

**History:** 1989 c 349 s 1; 1994 c 595 s 1; 2007 c 147 art 10 s 15



**181.961 REVIEW OF PERSONNEL RECORD BY EMPLOYEE.**

Subdivision 1. **Right to review; frequency.** Upon written request by an employee, the employer shall provide the employee with an opportunity to review the employee's personnel record. An employer is not required to provide an employee with an opportunity to review the employee's personnel record if the employee has reviewed the personnel record during the previous six months; except that, upon separation from employment, an employee may review the employee's personnel record once each year after separation for as long as the personnel record is maintained.

Subd. 2. **Time; location; condition; copy.** (a) The employer shall comply with a written request pursuant to subdivision 1 no later than seven working days after receipt of the request if the personnel record is located in this state, or no later than 14 working days after receipt of the request if the personnel record is located outside this state.

(b) With respect to current employees, the personnel record or an accurate copy must be made available for review by the employee during the employer's normal hours of operation at the employee's place of employment or other reasonably nearby location, but need not be made available during the employee's working hours. The employer may require that the review be made in the presence of the employer or the employer's designee. After the review and upon the employee's written request, the employer shall provide a copy of the record to the employee.

(c) With respect to employees who are separated from employment, upon the employee's written request, the employer shall provide a copy of the personnel record to the employee. Providing a copy of the employee's personnel record to the employee satisfies the employer's responsibility to allow review as stated in subdivision 1.

(d) The employer may not charge a fee for the copy.

Subd. 3. **Good faith.** The employer may deny the employee the right to review the employee's personnel record if the employee's request to review is not made in good faith. The burden of proof that the request to review is not made in good faith is on the employer.

Subd. 4. **Employer defined.** For the purposes of this section, "employer" includes a person who has one or more employees.

**History:** 1989 c 349 s 2; 1992 c 445 s 1; 1994 c 595 s 2; 1997 c 180 s 3; 2004 c 137 s 2

**181.962 REMOVAL OR REVISION OF INFORMATION.**

Subdivision 1. **Agreement; failure to agree; position statement.** (a) If an employee disputes specific information contained in the employee's personnel record:

- (1) the employer and the employee may agree to remove or revise the disputed information; and
- (2) if an agreement is not reached, the employee may submit a written statement specifically identifying the disputed information and explaining the employee's position.

(b) The employee's position statement may not exceed five written pages. The position statement must be included along with the disputed information for as long as that information is maintained in the employee's personnel record. A copy of the position statement must also be provided to any other person who receives a copy of the disputed information from the employer after the position statement is submitted.

Subd. 2. **Defamation actions prohibited.** (a) No communication by an employee of information obtained through a review of the employee's personnel record may be made the subject of any action by the employee for libel, slander, or defamation, unless the employee requests that the employer comply with subdivision 1 and the employer fails to do so.

(b) No communication by an employer of information contained in an employee's personnel record after the employee has exercised the employee's right to review pursuant to section 181.961 may be made the subject of any common law civil action for libel, slander, or defamation unless:

- (1) the employee has disputed specific information contained in the personnel record pursuant to subdivision 1;
- (2) the employer has refused to agree to remove or revise the disputed information;
- (3) the employee has submitted a written position statement as provided under subdivision 1; and
- (4) the employer either (i) has refused or negligently failed to include the employee's position statement along with the disputed information or thereafter provide a copy of the statement to other persons as required under subdivision 1, or (ii) thereafter communicated the disputed information with knowledge of its falsity or in reckless disregard of its falsity.

(c) A common law civil action for libel, slander, or defamation based upon a communication of disputed information contained in an employee's personnel record is not prohibited if the communication is made after the employer and the employee reach an agreement to remove or revise disputed information and the communication is not consistent with the agreement.

**History:** 1989 c 349 s 3; 1992 c 445 s 2

**181.963 USE OF OMITTED PERSONNEL RECORD.**

Information properly belonging in an employee's personnel record that was omitted from the personnel record provided by an employer to an employee for review pursuant to section 181.961 may not be used by the employer in an administrative, judicial, or quasi-judicial proceeding, unless the employer did not intentionally omit the information and the employee is given a reasonable opportunity to review the omitted information prior to its use.

**History:** *1989 c 349 s 4*

**181.9631 NOTICE OF EMPLOYEE RIGHTS.**

An employer as defined under section 181.960, subdivision 3, shall provide written notice to a job applicant upon hire of the rights and remedies provided in sections 181.960 to 181.965.

**History:** 2007 c 119 s 1

**181.964 RETALIATION PROHIBITED.**

An employer shall not discharge, discipline, penalize, interfere with, threaten, restrain, coerce, or otherwise retaliate or discriminate against an employee for asserting rights or remedies provided in sections 181.960 to 181.965.

**History:** *1989 c 349 s 5; 2023 c 53 art 11 s 37*

**181.965 REMEDIES.**

Subdivision 1. **General.** In addition to other remedies provided by law, if an employer violates a provision of sections 181.960 to 181.964, the employee may bring a civil action to compel compliance and for the following relief:

(1) for a violation of sections 181.960 to 181.963, actual damages only, plus costs; and

(2) for a violation of section 181.964, actual damages, back pay, and reinstatement or other make-whole, equitable relief, plus reasonable attorney fees.

Subd. 2. **Limitations period.** Any civil action maintained by the employee under this section must be commenced within one year of the actual or constructive discovery of the alleged violation.

**History:** 1989 c 349 s 6