



POLICY 312

I. PURPOSE

- A. It will be a violation of this policy for any student or school employee to harass a student or school employee through conduct (e.g., physical, verbal, graphic or written) that is based upon that student or employee's actual or perceived race, creed, religion, national origin, marital status, parental status, status with regard to public assistance, disability, pregnancy, age, as well as gender identity or expression or sexual orientation as defined by this policy. For purposes of this policy, a school employee includes school board members, employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district.
- B. Harassment or violence based on sex is prohibited by Policy 516, Sex Nondiscrimination and in compliance with federal and state laws.
- C. It will be a violation of this policy for any student or employee to inflict, threaten to inflict, or attempt to inflict violence based upon a student or employee's actual or perceived protected class as defined by this policy.
- D. The school will investigate all complaints, formal or informal, verbal or written, of harassment and/or violence based upon a student or employee's perceived or actual protected class and to discipline or take appropriate action against any student or school district employee who is found to have violated this policy.

II. DEFINITIONS

- A. The following definitions, which have been modified for purposes of this policy, are found in the Minnesota Human Rights Act. Please note that there is not a definition for every protected class.
 - 1. Disability. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a) has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b) has a record of such an impairment; or
 - c) is regarded as having such an impairment."
- B. National origin. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors."
- C. Sexual orientation. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's gender assigned at birth.

III. HARASSMENT AND VIOLENCE GENERAL APPLICABILITY

- A. The anti-discrimination laws apply to all of the academic and non-academic (e.g. athletic, and extracurricular) programs of the school, whether conducted in school facilities or elsewhere.

- B. For purposes of this policy, any student who is harassed or discriminated against, including subject to violence, by peers or school district employees based upon that student's actual or perceived gender identity or expression, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status may file a complaint.
- C. For purposes of this policy, any school employee who is harassed or discriminated against, including violence, by students or other school district employees based upon that employee's actual or perceived gender identity or expression, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status may file a complaint.
- D. The alleged harassment/violence consists of harassing conduct (e.g. physical, verbal, graphic, or written verbal or physical) based upon that student's actual or perceived protected class that interferes or limits the ability of that student to participate in, enjoy, or benefit from the education program, including athletics and extracurricular activities.
- E. The alleged harassment/violence may not be directed at a particular person, but may instead consist of harassing conduct (e.g. physical, verbal, graphic, or written) that creates a hostile environment for students based upon actual or perceived protected class that interferes with or limits the student's ability to participate in, enjoy, or benefit from the academic and nonacademic programs, including athletics and extracurricular activities.

IV. DESCRIPTION OF HARASSMENT BASED UPON A PERSON'S PERCEIVED OR ACTUAL PROTECTED CLASS

- A. Harassment is unwelcome conduct that is based upon actual or perceived gender identity or expression, sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status.
 - 1. Harassing conduct may take many forms, including verbal acts and name-calling, as well as nonverbal behavior, such as graphic and written statements, or conduct that is physically threatening, harmful, or humiliating.
 - 2. It is unwelcome if the student or employee did not request or invite it and considered the conduct to be undesirable or offensive.
 - 3. The conduct is considered harassment if it creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
- B. Assault: Assault, as defined in state statute is:
 - 1. an act done with intent to cause fear in another of immediate bodily harm or death; or
 - 2. the intentional infliction of or attempt to inflict bodily harm upon another.
- C. Racial, color, creed or national origin harassment/violence
 - 1. Intimidation or abusive behavior toward a student, based on the perceived or actual race, color, creed or national origin, that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
 - 2. Racial violence: Racial violence is a physical act of aggression or force, or the threat thereof, which is directed toward a student or employee based upon their perceived or actual race, color, creed, or national origin.

D. Religious harassment/violence

1. Intimidation or abusive behavior toward a student based on perceived or actual religious beliefs that create a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
2. Religious violence is the threat of or an actual physical act of aggression or force which is directed toward a student or employee based upon their perceived or actual religion.

E. Disability harassment

1. Intimidation or abusive behavior toward a student based on disability that creates a hostile environment by interfering with or denying a student's participation in or receipt of benefits, services, or opportunities in the school district's programs.
2. Disability harassment might also be denying a student with a disability a free and appropriate public education (FAPE). Harassment of a student based on disability may decrease the student's ability to benefit from his or her education and amount to a denial of FAPE.

V. REPORTING PROCEDURES

- A. The adoption and implementation of a proper reporting system can help the school district comply with the Minnesota Human Rights Act by allowing the school district to promptly address allegations of harassment and violence.
- B. Harassment or violence based on sex is prohibited by Policy 516, Sex Nondiscrimination and in compliance with federal and state laws.
- C. Minnesota Statutes, section 121A.03 requires that school districts have reporting procedures for sexual, religious, and racial harassment and/or violence complaints.
 1. For purposes of meeting the state reporting requirements, the following reporting procedure will be made available for students and staff who wish to report an incident or incidents that may involve harassment or violence based upon actual or perceived sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age.
 2. The designated school district person to receive oral or written complaints/reports of actual or perceived sexual orientation, race, color, creed, national origin, religion, disability, receipt of public assistance, or marital status and age.
- D. Human Rights Officer Designation
 1. The school board hereby designates the School Board Chair the school district human rights officer(s) to receive reports or complaints of harassment or violence. If the complaint involves the human rights officer, the complaint will be filed directly with the school board. _____.
- E. The School will conspicuously post the human rights officer, Executive Director, and school board: including mailing addresses and telephone numbers.

Human Rights Officer: Board Chair

Email address: chair@mylila.org

Mailing Address:

Board Chair

Lakes International Language Academy

246 11th Ave SE
Forest Lake, MN 55025
Telephone: 651-464-0771

Executive Director
Email address: ed@mylila.org
Telephone: 651-464-8989

School Board
Email address: board@mylila.org (sent to all current school board members)
Telephone: 651-464-0771

- F. These reporting procedures are not intended to prevent a person from reporting harassment or violence incident(s) to another school official.
1. The Executive Director is the person responsible for receiving oral or written reports of harassment or violence.
 2. Any adult school personnel who receives a report of harassment or violence shall inform the Executive Director immediately.
 3. Upon receipt of a report, the Executive Director must notify the Human Rights Officer immediately, without screening or investigating the report. The Executive Director may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as possible by the Executive Director to the School Human Rights Officer.
 4. If the report was given verbally, the Executive Director shall personally produce it in 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 will result in disciplinary action against the Executive Director. If the complaint involves the Executive Director, the complaint shall be made or filed directly with the Human Rights Officer by the reporting party or complainant.
- G. The human rights officer may request, but not insist, upon a written complaint. The school district encourages the reporting party to complete the complaint form for written complaints, available online.
- H. The complaint (verbal or written) should be reported to a school official immediately, or within 30 calendar days whenever possible, of the alleged violation. The school district will accept reports of alleged incidents that are older than 30 calendar days; however, delays between the date of the alleged incident and the reporting date may make investigations more difficult.

VI. INVESTIGATION

- A. The human rights officer, upon receipt of a complaint alleging discrimination or harassment toward an employee or student, will promptly undertake or authorize an investigation if deemed appropriate. The human rights officer may designate a neutral third party to conduct the investigation.
- 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 will consider the facts and the surrounding circumstances, such as the nature of the behavior, past

incidents or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incident occurred.

- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination or harassment of an employee or student.

VII. SCHOOL DISTRICT ACTION

- A. The School will take such action as appropriate based on the results of the investigation. In the event that the investigation establishes that a violation of this policy has occurred, disciplinary action will be taken.
- B. Disciplinary actions taken against a student or employee pursuant to this policy shall be consistent with the requirements of:
 - 1. School policies;
 - 2. The Pupil Fair Dismissal Act;
 - 3. State and Federal Law.

The school will take such disciplinary action it deems necessary and appropriate, including warning, suspension, immediate discharge or expulsion to end discriminatory harassment and violence and prevent its recurrence.

- C. Consistent with the requirements of the Minnesota Government Data Practices Act, and Minnesota Law, the results of the school's investigation will be made available to the complainant. However, the consequences or disciplinary actions taken against the alleged perpetrator as a result of the investigation will not be shared by LILA.

VIII. REPRISAL

- A. The School will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports alleged harassment or violence or any person who testifies, assists or participates in an investigation, 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 or harassment.

IX. CONFLICT OF INTEREST

- A. If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation, or recusal from the process by the person for whom a conflict or potential conflict of interest exists.

X. 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, section 626.556 may be applicable.
- B. Nothing in this policy will prohibit the school from taking immediate action to protect victims of alleged harassment, violence, or abuse.

XI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy will be posted on the school’s website.
- B. This policy will be reviewed annually with staff via back-to-school professional development.
- C. This policy will be reviewed annually for compliance with state and federal laws.

REVISION HISTORY

Date	Status		Date	Status		Date	Status
05/17/04	Adopted		03/03/08	Reviewed		10/08/09	Amended
11/11/10	Amended		11/12/12	Reviewed		09/23/13	Reviewed
11/10/15	Amended		11/15/16	Amended		07/11/17	Amended
11/13/18	Reviewed		11/12/19	Amended		12/08/20	Amended
11/03/21	Amended		11/14/23	Reviewed		11/19/24	Reviewed