INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating, developing, and inspiring our students for lifelong success.

Series Number **503.4AR** Adopted **August 1989** Revised **November 2025**

Title **Harassment, Discrimination, Violence or Hazing**

1. **Definitions**

1.1 Violence – For purposes of this policy, violence is a physical act of aggression or force or the threat of aggression or force that is based upon that person's sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, gender identity, membership or activity in a local human rights commission, age or genetic information. Violence may include threats communicated through use of technology, including some forms of cyberbullying.

1.2 Harassment based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regarding to public assistance, sexual orientation, gender identity, membership or activity in a local human rights commission, age or genetic information. Harassment consists of physical or verbal conduct or communication, including electronic communication, that is demeaning or hostile to an individual's status related to one or more of the categories listed above when:

1.2.1 Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or education; or

1.2.2 Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or education; or

1.2.3 That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.

1.3 Discrimination – Discrimination means to segregate or separate on the basis of an individual's sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regarding to public assistance, sexual orientation, gender identity, membership or activity in a local human rights commission, age or genetic information, except where authorized by law. Discrimination includes the following: to exclude from admission, to deny access to or participation in or the benefits of programs or activities, including vocational opportunities or to otherwise subject to discrimination in employment or in any educational program or activity operated by the district. Discrimination includes "sex discrimination," as defined below.

1.3.1 Sex Discrimination - Sex discrimination, which is prohibited by state and federal law, means behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs or activities or employment opportunities because of a person's sex. Examples of sex discrimination include, but are not limited to, sexual harassment, failure to provide equal opportunity in education programs and co-curricular programs, including athletics, discrimination based on pregnancy, and employment discrimination. Sex discrimination is prohibited by state and federal law, including Title IX.

1.3.2 Sexual Harassment – Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, other verbal or physical conduct or communication of a sexual nature, including communication accomplished through the use of technology, including sexting and some forms of cyberbullying when (a) submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or 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, public services or education; or (c) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.

1.3.2.1 In compliance with 1.3.2 above, while sexual harassment encompasses a wide range of conduct, some examples of conduct which may be prohibited include:

1.3.2.1.1 Promising, directly or indirectly, a reward, if the student or employee complies with a sexually oriented request;

1.3.2.1.2 Threatening, directly or indirectly, retaliation if the student or employee refuses to comply with a sexually oriented request;

1.3.2.1.3 Denying, directly or indirectly, an employment or education-related opportunity, if the student or employee refuses to comply with a sexually oriented request;

1.3.2.1.4 Engaging in unwelcome sexually suggestive conversation, physical contact or touching of another student or employee;

1.3.2.1.5 Sexual exploitation and sexually based stalking and/or bullying;

1.3.2.1.6 Displaying and sharing pornographic or sexually oriented materials;

1.3.2.1.7 Engaging in indecent exposure;

1.3.2.1.8 Making unwelcome sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances, or

1.3.2.1.9 Sexual misconduct, which is any non-consensual physical contact of a sexual nature. It may include any intentional sexual touching, however slight, without consent.

1.3.2.2 Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

1.3.2.3 Sexual harassment can involve males and females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

1.4 Hazing - 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. Hazing may occur on or off school property and during or after school hours. Hazing includes, but is not limited to:

1.4.1 Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.

1.4.2 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.

1.4.3 Any activity involving the consumption or use of any alcoholic beverage, drug, tobacco, tobacco products and activated electronic delivery devices (e.g., liquid or electronic cigarettes, vaping devices) 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.

1.4.4 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. Prohibited activities may include those perpetrated through the use of technology, including some forms of cyberbullying.

1.4.5 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.

1.5 Student organization means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities and particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

1.6 District 196 Personnel – For the purposes of this regulation, "District 196 personnel" or "district personnel" includes School Board members, district employees, agents, volunteers, contractors and/or other persons subject to the supervision and control of the district.

1.7 Human Rights Officer(s) - The Human Rights Officers are charged with receiving, investigating and working to remedy complaints of harassment, discrimination, violence or hazing. Among other things, they are responsible for coordinating the district's compliance with applicable discrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (Section 504), the Americans with Disabilities Act (ADA), Titles VI & VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Genetic Information Nondiscrimination Act of 2008, The Minnesota Human Rights Act and other state and federal laws prohibiting discrimination.

1.7.1 Specifically, the following persons are appointed as Human Rights Officers which includes serving as the District's Title IX, Section 504 and/or ADA Coordinators for complaints as follows:

1.7.1.1 For complaints involving harassment, discrimination, violence or hazing *by district personnel* contact:
Director of Human Resources
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7859

1.7.1.2 For complaints involving harassment, discrimination, violence or hazing *by a student*, contact the appropriate level director:
Director of Elementary Education (grades k-5)
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7782

Or

Director of Secondary Education (grades 6-12)
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7712

1.7.1.2 For complaints involving the disability *of a student* including their rights under Section 504, contact:
Director of Special Education
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7629

1.7.2 A complaint made to one Human Rights Officer that falls within the province of another Human Rights Officer, shall be forwarded to the appropriate Human Rights Officer.

1.7.3 When appropriate, in fulfilling their duties, Human Rights Officers may delegate investigational and other responsibilities to employees or agents of the district.

1.7.4 Inquiries concerning the application of federal civil rights laws may be referred to the appropriate Human Rights Officer or to the Office of Civil Rights (OCR), which may be reached at 1-800-421-3481 or ocr@ed.gov.

1.7.5 Some of the listed "protected classes" are only protected from certain limited forms of discrimination or harassment pursuant to Minnesota law.

2. **Filing a Complaint** – Any person who believes he or she has been the victim of harassment, discrimination, violence or hazing by any District 196 student, staff or third party, or any third person with knowledge or belief of conduct which may constitute harassment, discrimination, violence or hazing by any District 196 student, staff or third party, shall immediately report the alleged conduct to the appropriate District 196 official, verbally or in writing (refer to District Procedure 503.4.2P, Report of Alleged Harassment, Discrimination, Violence or Hazing).

2.1 Alleged harassment, discrimination, violence or hazing of an employee, student, visitor, or other person by any District 196 student, staff or third party, shall be reported to the principal, counselor, psychologist, teacher, or the appropriate Human Rights Officers. The counselor, psychologist or teacher shall immediately report such knowledge to the principal or the appropriate District 196 Human Rights Officers. The district may request, but may not insist upon, a written complaint. The reporting party or complainant is encouraged to use the report form (District Procedure 503.4.2P, Report of Alleged Harassment, Discrimination, Violence or Hazing), but oral reports shall be considered complaints as well.

2.1.1 Upon receipt of such a report, the principal shall immediately notify the appropriate District 196 Human Rights Officer, without screening or investigating the report, and shall report the complaint to the proper outside enforcement authorities, if required by section 3 below. The principal shall forward a copy of the complaint to the appropriate District 196 Human Rights Officer as soon as practicable.

2.1.2 Failure of a teacher, administrator or other staff member to immediately forward any report or complaint of harassment, discrimination, violence or hazing as required in sections 2.1 and 2.1.1 above may result in disciplinary action.

2.2 Alleged harassment, discrimination, violence or hazing by a school principal, or District Office or other district personnel shall be reported to the appropriate District 196 Human Rights Officer. Alleged harassment, discrimination, violence or hazing by someone who would otherwise be the appropriate Human Rights Officer shall be reported to the superintendent, who shall appoint another person(s) to serve in place of that Human Rights Officer for purposes of investigating and attempting to remedy the complaint. If a complaint involves the superintendent or someone who would otherwise be the appropriate Human

Rights Officer, they shall take appropriate steps to remove themselves from the investigation and decision-making process, and shall not have access to information not normally shared with subjects of such complaints.

2.3 Submission of a good faith complaint or report of harassment, discrimination, violence or hazing shall not affect the present or future employment, access to public services or education of the person making the complaint or report.

2.4 Nothing in this regulation shall prevent any person from reporting harassment, discrimination, violence or hazing directly to the appropriate District 196 Human Rights Officer or to the superintendent who shall take all appropriate steps to investigate and remedy the complaint.

3. **Reporting Complaints to Outside Enforcement Authorities**

3.1 In accordance with state law and Administrative Regulation 506.4AR, Reporting Suspected Maltreatment of a Minor or Vulnerable Adult, the principal, the appropriate Human Rights Officer, or other appropriate employee will immediately report to the proper authorities any cases in which there is an allegation or possibility of child physical or sexual abuse or neglect, such as cases in which:

3.1.1 A person responsible for a child's care inflicts physical injury on the child, or

3.1.2 A person responsible for a child's care or in a position of authority over a child subjects the child to acts which violate laws on criminal sexual conduct, prostitution or use of minors in obscene acts or

3.1.3 A person responsible for a child's care neglects the child.

3.2 If there is an allegation of a crime having been committed (e.g., assault or criminal sexual assault), the principal will report the complaint to law enforcement authorities unless he or she determines other action is appropriate after consulting with the appropriate Human Rights Officers.

4. **Grievance/Investigation Process** – All incidents of harassment, discrimination, violence or hazing should be reported. Upon receipt of a report or complaint of alleged harassment, discrimination, violence or hazing, the District 196 Human Rights Officer shall inform the superintendent and undertake or authorize an investigation within three school days.

4.1 The investigation may be conducted by school or district officials or by a third party chosen by the district. The District 196 Human Rights Officers may use their discretion to require an investigation even if the complainant asks that the matter not be investigated, and even if the complaint is also being investigated by the authorities. In some cases, the district may elect to postpone or delegate an investigation in deference to another investigation of the same conduct by the authorities.

4.2 In determining whether the alleged conduct constitutes harassment, discrimination, violence or hazing, the district shall consider: the surrounding circumstances, the nature and severity of the behavior, prior incidents or past or continuing patterns of behavior, the relationship between the parties involved, the age and development of the individuals involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of district policy requires a determination based on all the facts and surrounding circumstances.

4.3 The investigation may consist of: personal interviews with the complainant, personal interviews with the individual(s) against whom the complaint is filed (separate from the interviews with the complainant), personal interviews with others who may have knowledge of the alleged incident(s) or circumstances which led to the complaint and any other methods and documents deemed pertinent by the investigator.

4.4 Parties to the complaint will be notified of and given the opportunity to present evidence and witnesses in support of their position(s).

4.5 The district may, at its discretion, take immediate steps to protect the complainant, students, employees or other district personnel pending completion of the investigation.

4.6 In all cases, the alleged perpetrator shall be notified that retaliation against the individual who filed the complaint or those contacted in the course of investigating the complaint is cause for disciplinary action.

4.7 The district will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses, as much as possible, consistent with the district's legal obligation to investigate, to take appropriate action and to conform with any discovery or disclosure obligations.

4.8 The investigation shall be concluded as quickly as possible, typically within 10 school days or within a reasonable amount of time required to complete the investigation. The investigation shall be conducted in a manner so that it is adequate, reliable and impartial.

4.9 Regardless of who is conducting the investigation, the investigation shall be under the direction and control of the appropriate Human Rights Officer(s). Persons conducting investigations shall share information with the appropriate Human Rights Officer(s) and keep them apprised of the process.

4.10 District 196 also prohibits bullying behavior. The school district's process for handling reports of bullying is located in Administrative Regulation 503.8AR, Bullying Prohibition. In some cases, alleged conduct falls under both Administrative Regulation 503.8AR and this regulation. District 196 will conduct a single investigation for alleged conduct that falls under both regulations.

4.11 Complaints under Section 504 regarding the identification, evaluation or educational placement of a student with a disability are subject to the grievance process in Administrative Regulation 503.6.1AR, Section 504 Process for Students.

5. **Investigation Report**

5.1 Upon completion of the investigation, the investigator shall submit District Procedure 405.7.5P (for staff) or 503.4.4P (for students), Investigation Report of Alleged Harassment, Discrimination, Violence or Hazing, to the appropriate Human Resource Officer and copy the superintendent.

5.2 The report shall include a determination of whether the factual allegations of the complaint have been substantiated and whether there appear to be violations of district policy. In order for the Human Rights Officer to find that a complaint's factual allegations have been substantiated, it must be more likely than not, based on an assessment of all relevant evidence, that the allegations of the complaint are true.

5.3 If the complaint involves the superintendent, the report may be filed directly with the School Board.

6. **District Action**

6.1 Upon receipt of a report that the complaint is valid, the district shall take such action as appropriate based on the results of the investigation. For district personnel, such action may include, but is not limited to, warning, suspension, transfer, remediation and/or termination of employment. For students, such action may include, but is not limited to, warning, suspension, transfer, remediation, exclusion or expulsion.

6.2 In the case of discrimination, the district will take all necessary steps to remedy the discriminatory effects on the victim(s) and others.

6.3 The parties will be notified when district action is taken and information will be shared to the extent permitted by data privacy laws.

6.4 Any district action shall be consistent with requirements of applicable collective bargaining agreements, state and federal statutes, and district policies.

6.5 If the district determines that harassment, discrimination, violence or hazing, did take place, the district will contact the complainant approximately 15 calendar days after the investigation is complete (Procedure 405.7.6.4P (for staff) or Procedure 503.4.5.4P (for students), Follow-Up Report on Complaint of Harassment, Discrimination, Violence or Hazing) to determine whether any further incidents have taken place.

7. **Appeal** – With one exception (see section 7.4), parties to the complaint may appeal the action taken by the district under section 6 of this regulation (hereinafter "district action.")

7.1 The appeal must be made to the superintendent (or designee) in writing within three days after being informed of the district's action. The appeal must include the specific reasons why the party disagrees with the district's action.

7.2 The superintendent (or designee) may modify or reverse the district action for good cause.

7.3 Parties to the complaint will be informed promptly of the superintendent's (or designee's) decision on the appeal.

7.4 The appeal procedure described herein is not available to district personnel wishing to challenge district action when applicable collective bargaining agreements provide a process for addressing said district action.

8. **Other proceedings** – Nothing in this regulation shall be interpreted to preclude the district from disciplining district personnel or students under other laws, procedures and/or regulations, and the procedures set forth herein may be pursued simultaneously and in conjunction with other disciplinary or grievance procedures. Resolutions or dispositions reached through other disciplinary or grievance procedures may be considered in resolving any complaint under this regulation.

9. **Right to Alternative Complaint Procedures** - This regulation does 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 Equal Employment Opportunity Commission (EEOC), filing a complaint with the (OCR), initiating civil action or seeking redress under state criminal statutes and/or federal law.

10. **Notice to Student and District Personnel of This Policy**

10.1 The School District shall make students and district personnel aware of this policy and regulation.

10.2 The district shall make information about this policy and regulation available to students and parents/guardians annually, including publication of this regulation in the annual *Overview of Student Rights and Responsibilities* handbook..

10.3 The district shall conspicuously post a summary of this regulation and the names of the District 196 Human Rights Officers, including mailing addresses, emails and telephone numbers, in each school building in areas accessible to students and district personnel.

10.4 This regulation will be reviewed at least annually for compliance with state and federal law.

11. **Retaliation** - The district shall discipline or take appropriate action against any student or district personnel who retaliates against any person who reports alleged harassment, discrimination, violence or hazing, or who testifies, participates in or assists in an investigation, proceeding or hearing relating to such harassment, discrimination, violence or hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

12. **Support Services** – There are various supportive measures available for those who have experienced harassment, discrimination, violence or hazing. These support services include:

12.1 The Human Rights Officers serve as the central reference for information about reporting and the investigative procedure, as well as available support services.

12.2 Students who have experienced harassment, discrimination, violence or hazing may receive counseling and additional referrals from their school's counselor or social worker.

12.3 Additional employee services may be available through the Employee Assistance Program through the Human Resources Department.

13. **District Investigation on its Own Initiative** – Nothing in this regulation shall prohibit the district from investigating and responding to incidents of harassment, discrimination, violence or hazing on its own initiative and without receiving a complaint.

14. **Accommodation**

14.1 The school district shall make reasonable accommodations for an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the accommodation would impose undue hardship on the operation of the school district. An employee or job applicant wishing to discuss the need for an accommodation should contact their supervisor or the Director of Human Resources.

14.2 A student with a disability is entitled to receive regular or special education and related aids and services that are designed to meet his or her individual educational needs. Further information about the rights of students with disabilities can be found in Administrative Regulation 503.6.1AR, Section 504 Process for Students, on the district website or by contacting the Director of Special Education.

15. **Nondiscrimination in Vocational Opportunities** – All vocational opportunities offered by the school district will be offered in a nondiscriminatory manner consistent with law and this regulation. A summary of program offerings and admission criteria can be found in high school student registration guides. District 196 will take steps to assure that English language skills will not be a barrier to admission and participation in vocational programs.

References:

- Minnesota Statute 121A.03, Model Policy
- Minnesota Statute 121A.031, School Student Bullying Policy
- Minnesota Statute 121A.69, Hazing Policy
- Minnesota Statute Chap. 363A, Minnesota Human Rights Act
- Minnesota Chapter 260E, Reporting of Maltreatment of Minors
- 20 U.S.C. 1681 et seq, Title IX of the Educational Amendments of 1972
- 42 U.S.C. 2000e et seq, Title VI and VII of the Civil Rights Act
- 42 U.S.C. 12101 et seq, Americans with Disabilities Act of 1991

- 29 U.S.C. 621 et seq, Age Discrimination in Employment Act of 1967
- 29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973
- 42 U.S.C. 2000ff, Title II of Genetic Information Nondiscrimination Act of 2008
- MSBA/MASA Model Policy 413, Harassment and Violence