

Urban Academy

Policy and Procedure:

HARASSMENT AND VIOLENCE

Policy No.: 01.24

Originate: August 2003

Revised/Reviewed: December 2024

Adopted:

Page 1 of 9

I. PURPOSE

- A. Urban Academy maintains a learning and working environment that is free from religious, racial or sexual harassment and violence.

II. GENERAL STATEMENT

- A. It is the policy of Urban Academy to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. Urban Academy prohibits any form of religious, racial or sexual harassment and violence.
- B. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of Urban Academy to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion and race as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)
- C. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of Urban Academy to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.
- D. Urban Academy will act to investigate all complaints, formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

III. RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE DEFINED

- A. Sexual Harassment Definition

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 2 of 9

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
 - a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
 - b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

2. Sexual harassment may include but is not limited to:
 - a) Unwelcome verbal harassment or abuse;
 - b) Unwelcome pressure for sexual activity;
 - c) Unwelcome, sexually motivated or inappropriate patting, pinching or physical contact, other than necessary restraint of pupil(s) by teachers, administrators or other school 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 gender.

B. Racial Harassment: Definition

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 3 of 9

1. Racial harassment consists of physical or verbal conduct relating to an individual's religion when the conduct:
 - a) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - b) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c) Otherwise adversely affects an individual's employment or academic opportunities.

C. Religious Harassment; Definition.

1. Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:
 - a) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
 - b) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 - c) Otherwise adversely affects an individual's employment or academic opportunities.

D. Sexual Violence; Definition.

1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks or breast, as well as the clothing covering these areas.
2. Sexual violence may include, but is not limited to:
 - a) Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 4 of 9

- 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 intercourse 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.

E. Cyber Harassment/Bullying

1. Cyber Harassment/Bullying: Definition

- (a) Cyber Harassment/Bullying is the use of electronic communication to harass or bully a person, typically by sending messages of an intimidating or threatening nature.

2. Racial Violence: Definition.

- a) Racial violence is a physical act of aggression or assault upon another because of; or in a manner reasonably related to, race.

3. Religious Violence: Definition.

- a) Religious violence is a physical act of aggression or assault upon another because of; or in a manner reasonably related to, religion.

4. Assault: Definition.

- a) An act done with intent to cause fear in another of immediate bodily harm or death;
- b) The intentional infliction of or attempt to inflict bodily harm upon another; or
- c) The threat to do bodily harm to another with present ability to carry out the threat.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a pupil, teacher, administrator or other school personnel of

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 5 of 9

Urban Academy, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a pupil, teacher, administrator or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. Urban Academy encourages the reporting party or complainant to use the report form available from Urban Academy’s main office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to director.

- B. The director is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence.
- C. Upon receipt of a report, any Urban Academy personnel who receives a report of religious, racial or sexual harassment or violence shall inform the director immediately. The director may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable to the director. If the report was given verbally, the director shall personally reduce it to written form within 24 hours. Failure to forward any harassment or violence report or complaint as provided herein will result in disciplinary action against the director.
- D. In District 4088, the school board hereby designates the director, or his/her designee, as Urban Academy human rights officer(s) to receive reports or complaints of religious, racial or sexual harassment or violence. If the complaint involves a human rights officer, the complaint shall be filed directly with the director or his/her designee.¹
- E. Urban Academy shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of religious, racial or sexual harassment or violence will not affect the complainant or reporter’s future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Urban Academy 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 Urban Academy’s legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

¹ In some school districts, the director may be the human rights officer. If so, an alternative individual should be designated by the school board.

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 6 of 9

V. INVESTIGATION

- A. By authority of Urban Academy, the human rights officer, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by Urban Academy officials or by a third party designated by Urban Academy.
- 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, Urban Academy should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationship between the parties involved and the context in which the alleged incident 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, Urban Academy may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged religious, racial or sexual harassment or violence.
- E. The investigation will be completed as soon as practicable. Urban Academy human rights officer shall make a written report to the director upon completion of the investigation. If the complaint involves the director, 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 receipt of a report, Urban Academy will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge. Urban Academy action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies
- B. The result of Urban Academy's investigation of each complaint filed under these procedures will be reported in writing to the complainant by Urban Academy in

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 7 of 9

accordance with state and federal law regarding data or records privacy.

VII. REPRISAL

- A. Urban Academy will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who makes a good faith report of alleged religious, racial or sexual harassment or violence or any 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.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

- A. These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the Minnesota Department of Human Rights, initiating civil action or seeking redress under state criminal statutes and/or federal law.

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 Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit Urban Academy 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 pupils and staff members.
- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person’s employment contract.
- C. This policy shall appear in the student handbook.
- D. Urban Academy will develop a method of discussing this policy with students and employees.
- E. This policy shall be reviewed at least annually for compliance with state and federal law.

Urban Academy	
Policy and Procedure: HARASSMENT AND VIOLENCE	
Policy No.: 01.24	
Revised:	Page 8 of 9

URBAN ACADEMY
RELIGIOUS, RACIAL OR SEXUAL HARASSMENT AND VIOLENCE REPORT FORM

Urban Academy maintains a firm policy prohibiting all forms of discrimination.

Religious, racial sexual harassment or violence against students or employees is discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of religious, racial or sexual harassment by any pupil, teacher, administrator or other school personnel, which create intimidating, hostile or offensive environment, will not be tolerated under any circumstances.

Complainant _____

Home Address _____

Work Address _____

Home Phone _____ Work Phone _____

Date of Alleged Incident(s) _____

Check as appropriate: Sexual Racial Religious

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

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

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

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

List any witnesses that were present. _____

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

Complainant Signature

Date

Office Use Only

Received by

Date