

# Intermediate District 287

RESPONSIVE. INNOVATIVE. SOLUTIONS.

## DISTRICT POLICY

**POLICY SERIES: Nondiscrimination & Equal Opportunity**

**SUBJECT: Harassment & Violence**

**BOARD APPROVED: October 2012**

**REVISION DATE: June 2017**

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### **NEO120 Harassment & Violence**

#### **PURPOSE**

The purpose of this policy is to assist the District in maintaining learning and working environments that are free from harassment and violence. To that end, the Board advocates vigilance in preventing, reporting and addressing harassment and violence.

Additionally, the Board is committed to providing innovative educational services that meet the unique needs of its students. The Board advocates a proactive approach to any student or staff behavior that may lead to harassment and violence with the goal of maintaining a safe, productive learning and working environment.

#### **1. GENERAL STATEMENT OF POLICY**

- A. The District prohibits any form of harassment and violence based upon actual or perceived race, color, creed, religion, sex, gender, gender identity/expression, sexual orientation, disability national origin, immigration status, familial or marital status, status with regard to public assistance, and/or age.
- B. It shall be a violation of this policy for any student, or for District personnel to harass a student, or other District personnel through conduct or communication(s) based upon actual or perceived race, color, creed, religion, sex, gender, gender identity/expression, sexual orientation, disability, national origin, immigration status, familial or marital status, status with regard to public assistance, and/or age. (For purposes of this policy, District personnel include Board members, District employees, agents, volunteers, contractors or persons otherwise subject to the supervision and control of the District.)
- C. It shall be a violation of this policy for any student, or District personnel to inflict, threaten to inflict, or attempt to inflict violence upon any student, or District personnel based upon actual or perceived race, color, creed, religion, sex, gender, gender identity/expression, sexual orientation, disability, national origin, immigration status, familial or marital status, status with regard to public assistance, and/or age.
- D. The District will investigate all complaints of harassment or violence based upon actual or perceived race, color, creed, religion, sex, gender, gender identity/expression, sexual orientation, disability, national origin, immigration status, familial or marital status, status with regard to public assistance, and/or age, and will discipline or take appropriate action against any student, or District personnel who is found to have violated this policy.

## 2. DEFINITIONS

### A. Sexual Harassment

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 student(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

Racial harassment consists of physical or verbal conduct relating to an individual's race 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. Religious Harassment

Religious harassment consists of physical or verbal conduct which is related to an individual's religion 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.

#### D. Sexual Violence

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.

Sexual violence may include, but is not limited to:

1. touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
2. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
3. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another; or
4. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

#### E. Racial Violence

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

#### F. Religious Violence

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

#### G. Assault

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.

#### H. Gender, Gender Identity/Expression, Sexual Orientation, Disability, National Origin, Age, Familial or Marital Status, Status with Regard to Public Assistance and/or Immigration Status Harassment

Gender, gender identity/expression, sexual orientation, disability, national origin, age, familial or marital status, status with regard to public assistance, and/or immigration status harassment shall mean any conduct, comment or communication within the educational or work environment which is reasonably related to an individual or a group of individuals or a class of individuals based on their gender, gender identity/expression, sexual orientation, disability, national origin, age, familial or marital status, status with regard to public assistance and/or immigration status; when:

1. The conduct has the purpose or effect of creating an intimidating, hostile or offensive work place or educational environment; or
2. The conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work place or educational performance; or
3. The conduct otherwise adversely affects an individual's employment or academic opportunities.

3. **REPORTING**

- A. Any person who believes he or she has been the victim or target of violence or harassment based upon actual or perceived race, color, creed, religion, sex, gender, gender identity/expression, sexual orientation, disability, national origin, immigration status, familial or marital status, status with regard to public assistance, and/or age by a pupil, teacher, administrator or other District personnel, or any person with knowledge or belief of the above conduct toward a student or District personnel should report the alleged acts immediately to an appropriate District official designated by this policy.
- B. The District encourages the reporting party or complainant to use the report form available from the program administrator of each building or available from the District 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 the District human rights officer or to the Superintendent.
- C. The Board hereby designates the Human Resources Director as the District's human rights officer.
- D. The human rights officer is to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the human rights officer, the complaint shall be filed directly with the Superintendent.
- E. The name, address, and phone number of the District human rights officer will be conspicuously posted in each building.
- F. At the District level, the department head is the responsible authority for receiving reports of harassment or violence prohibited by this policy. Upon receiving any such report, department head must notify the District human rights officer immediately, in a period of time not to exceed 24 hours. The report must be forwarded without screening or investigation.
- G. The program administrator is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any District employee who receives a report of harassment or violence prohibited by this policy shall inform the program administrator immediately.
- H. Upon receipt of a report, the program administrator must notify the District human rights officer immediately, without screening or investigating the report. The administrator 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 administrator to the human rights officer. If the report was given verbally, the administrator 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 will result in disciplinary action against the administrator. If the complaint involves the program administrator, the complaint shall be made or filed directly with the Superintendent or the District human rights officer by the reporting party or complainant.
- 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 or work assignments.
- J. Use of formal reporting forms is not mandatory.
- K. The District will respect the privacy of the complainant/victim, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

- L. It shall be a violation of this policy for the individual(s) against whom the complaint is filed to retaliate against a complainant/victim, other reporter or witnesses of the alleged acts. It shall also be a violation of this policy to retaliate against the individual(s) named in the complaint. Disciplinary or other action taken against anyone found to have violated this policy is not retaliation.
- M. The District will provide support to the complainant/victim, such as a referral for support services.
- N. The District will inform the complainant/victim's and accused's parent/guardian whenever appropriate and legally permissible.

**4. DISCIPLINE**

- A. The District will discipline or take appropriate action against any student, or District personnel who is/are found to have violated this policy.
- B. Such disciplinary action may include, but is not limited to,
  - Warning
  - Suspension
  - Exclusion
  - Expulsion
  - Transfer
  - Remediation
  - Demotion
  - Termination

Legal References: [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)  
[20 U.S.C. §§ 1681-1688](#) (Title IX of the Education Amendments)  
[29 U.S.C. § 621 et seq.](#) (Age Discrimination in Employment Act)  
[29 U.S.C. § 2000d et seq.](#) (Title VI of the Civil Rights Act)  
[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: [NEO 100](#) Goals Policy  
[NEO 140](#) Equal Opportunity Policy  
[SRR 120](#) Student Conduct Policy  
[SRR 140](#) Bullying Policy  
[SRR 160](#) Hazing Policy  
[ERR 120](#) Employee Responsibilities Policy