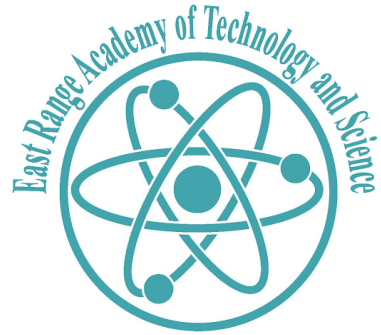


Board Policy
421



Adopted: 8/2007

Revised: 10/2014
Reviewed: 9/15/2022

**Religious, Racial and Sexual
Harassment and Violence Policy**

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from religious, racial, sexual, or other harassment and violence. The school prohibits any form of religious, racial or sexual harassment and violence.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school to maintain a learning and working environment that is free from religious, racial or sexual harassment and violence. The school 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 the school 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 includes school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the school.)
- C. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.
- D. The school will act to investigate all complaints, either 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
 - 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 communications, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - e. unwelcome sexual behavior or communications, 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 communications directed at an individual because of gender or sexual orientation.

B. Racial Harassment; Definition

Racial harassment consists of physical conduct or any written or verbal communications 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; Definition

Religious harassment consists of physical conduct or written or verbal communications 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; 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;
 - 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.

E. Racial Violence; Definition

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

F. Religious Violence; Definition

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

G. Assault; Definition

Assault is:

1. a physical or verbal 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.

IV. REPORTING PROCEDURE

- A. Any person who believes he or she has been the victim of religious, racial, or sexual harassment or violence, or any person with knowledge or belief of conduct that may constitute religious, racial, or sexual harassment or violence, shall report the alleged acts immediately to an appropriate school official designated by this policy. A person may report harassment or violence anonymously. However, the school's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- B. The school encourages the reporting party or complainant to use the ERATS Bullying/Harassment Report Form available from the Dean of Students or available from the school front desk, but oral reports shall be considered complaints as well.
- C. The Dean of Students or designee (hereinafter *building report taker*) is the person responsible for receiving reports of harassment or violence at the building level. Any person may report acts of harassment or violence directly to school human rights officer Ray Arsenault. If the complaint involves the building report taker, the complaint shall be made or filed directly with the human rights officer by the reporting party or complainant.
- D. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include harassment or violence. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute harassment or violence shall inform the building report taker immediately. School personnel who fail to inform the building report taker of conduct that may constitute harassment or violence in a timely manner may be subject to disciplinary action.
- E. Reports of harassment or violence are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of harassment or violence will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.
- G. The school 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's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

V. INVESTIGATION

- A. By authority of the school, the Dean of Students or 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 school officials or by a third party designated by the school.
- 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 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 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. The school human rights officer shall make a written report 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, the school will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, remediation, termination or discharge. School action taken for violation of this policy will be consistent with requirements of applicable Minnesota and federal law and school policies.
- B. The result of the school's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school in accordance with state and federal law regarding data or records privacy.

VII. REPRISAL

The school 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 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.

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, 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 the school from taking immediate action to protect victims of alleged harassment, violence or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

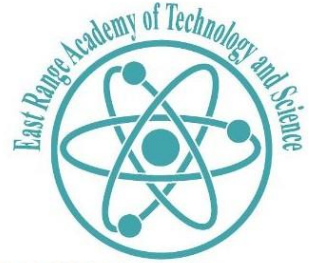
- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.
- B. This policy shall be given to each school employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. The school will develop a method of discussing this policy with students and employees.
- E. The school 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, and resourcefulness.
- F. **This policy shall be reviewed at least annually** for compliance with state and federal law.

Addenda: ERATS Bullying/Harassment Report Form
ERATS Bullying/Harassment Incident Investigation forms



ERATS

Bullying/Harassment Report Form



INSTRUCTIONS: Please complete both sides of this form.

Answer only the questions you feel *comfortable* answering
and are able to *accurately* answer.

This report will remain completely CONFIDENTIAL.

1. Name of Person filing this report:

Note: Reports may be made *anonymously*, but the school's ability to investigate an anonymous complaint may be limited. The school prohibits retaliation against anyone who files a bullying report.

2. Check whether you are the:

TARGET of
the behavior

☐

REPORTER
(not the target)

☐

3. Check whether you are a:

☐

Student

☐

Parent

☐

Staff

☐

Other (specify) _____

Your contact information/phone number:

4.

Name of Target(s)

Name of Aggressor(s)

Names of Witnesses
(list people who saw the
incident or may have
information about it)

Where did the incident(s)
occur? Be specific.

Date and Time the
incident(s) occurred:

*Turn the page over
to write the details
of the incident*



5.

Describe the details of the incident(s). Include names, what exactly occurred, and what each person **did** and **said**, including **specific** words used.

Please use additional paper if necessary, or type and print your description.

Return this form directly to Mr. Walters.

**If he is not available, find Ms. Lere,
or place this form in the
Report Drop Box in Ms. Lere's office.**

ADMINISTRATIVE USE ONLY

Date/Time Received _____ Comments:

Code: _____



ERATS

Bullying/Harassment Incident Investigation



Code:

A. Investigation start date/time _____ Initials _____

B. **Interviews:** *(attach any additional sheets, relevant notes/documentation)*

☐

Interviewed Aggressor(s)

name: _____ date: _____

name: _____ date: _____

name: _____ date: _____

☐

Interviewed Target(s)

name: _____ date: _____

name: _____ date: _____

name: _____ date: _____

☐

Interviewed Witness(es)

name: _____ date: _____

name: _____ date: _____

name: _____ date: _____

3. Any prior documented incidents by the aggressor(s)? ☐ YES ☐ NO

If YES, have incidents involved the target or target group previously? ☐ YES ☐ NO

Comments _____

over →

4. SUMMARY OF INVESTIGATION:

Please use additional paper and attach notes to this document as needed.

5. CONCLUSIONS FROM THE INVESTIGATION:

a. Finding of Bullying? YES NO b. Finding of Retaliation? YES NO

c. Disciplinary Action(s) taken: _____

d. Date/Time *Target's* Parent/Guardian contacted: _____

e. Date/Time *Aggressor's* Parent/Guardian contacted: _____

f. Follow-up with Target scheduled for _____ Initial/Date _____
when done

g. Follow-up with Aggressor scheduled for _____ Initial/Date _____
when done

h. Additional Comments: _____

INVESTIGATOR SIGNATURE(S) _____



ERATS

Bullying/Harassment

Interview Notes



Code:

Name:_____

Date/Time:_____

Notes: