

ROSEVILLE AREA SCHOOLS
Independent School District No. 623

Policy 416 and 506 – Discrimination, Harassment and Violence Prevention Policy:
Grievance Procedures

1.0 General Statement of Policy Personnel and Students

It is the policy of Independent School District No. 623 to maintain learning and working environments that are free from discrimination, harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance. The School District prohibits any form of discrimination, harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance.

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to discriminate against, or engage in unlawful discriminatory conduct, or harass a pupil, teacher, administrator or other school personnel through conduct (e.g., physical, verbal, graphic or written) based on a person's actual or perceived race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance [protected class] 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.)

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School District to inflict, threaten to inflict, or attempt to inflict violence upon any pupil, teacher, administrator or other school personnel based on a person's actual or perceived race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance.

The antidiscrimination laws apply to all of the academic and nonacademic (e.g. athletic and extracurricular) programs of the School District, whether conducted in school facilities or elsewhere.

The School District will act to investigate all complaints, formal or informal, verbal or written, of discrimination, unlawful discriminatory conduct, harassment and violence based on a person's actual or perceived race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

2.0 Definitions

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- 2.1 “Assault”: Assault is:
 - 2.1.1 an act done with intent to cause fear in another of immediate bodily harm or death;
 - 2.1.2 the intentional infliction of or attempt to inflict bodily harm upon another; or
 - 2.1.3 the threat to do bodily harm to another with present ability to carry out the threat.

- 2.2 “Discriminate” includes segregate or separate. It also includes:
 - 2.2.1 An “unfair discriminatory practice” as described in Minn. Stat. §§ 363A.13, 363A.14 and 363A.15; and
 - 2.2.2 Any violation of federal laws prohibiting discrimination in education (including “Section 504 of the Rehabilitation Act of 1973” and the “Americans with Disabilities Act”).

- 2.3 “Harassment” consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual’s or group of individuals’ actual or perceived race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance, when the conduct:
 - 2.3.1 has the purpose or effect of creating an intimidating, hostile or offensive employment or educational environment;
 - 2.3.2 has the purpose or effect of substantially or unreasonably interfering with an individual’s employment or educational performance; or
 - 2.3.3 otherwise adversely affects an individual’s employment or educational opportunities.

- 2.4 “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:
 - 2.4.1 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
 - 2.4.2 submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual’s employment or education; or

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2.4.3 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.

2.5 Sexual Harassment may include but is not limited to:

2.5.1 unwelcome verbal harassment or abuse;

2.5.2 unwelcome pressure for sexual activity;

2.5.3 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;

2.5.4 unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;

2.5.5 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

2.5.6 unwelcome behavior or words directed at an individual because of gender.

2.6 "Sexual Violence": Sexual violence is a physical act of aggression or force or the threat thereof that involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minnesota Statute Section 609.341, include 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:

2.6.1 touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex:

2.6.2 coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;

2.6.3 coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or

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- 2.6.4 threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- 2.7 “Violence” prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance.
- 2.8 “Disability”: Disability means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
- 2.8.1 has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - 2.8.2 has a record of such impairment; or
 - 2.8.3 is regarded as having such an impairment.
- 2.9 “Familial status”: Familial status means the condition of one or more minors being domiciled with:
- 2.9.1 their parent or parents or the minor’s legal guardian; or
 - 2.9.2 the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against discrimination and harassment on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
- 2.10 “Marital status”: Marital status means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against discrimination and harassment on the basis of identity, situation, actions, or beliefs of a spouse or former spouse.
- 2.11 “National origin”: National origin means the place of birth of an individual or of any of the individual’s lineal ancestors.
- 2.12 “Sex”: Sex includes, but is not limited to, gender and any related conditions such as pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
- 2.13 “Gender expression”: Gender expression refers to a person’s gender-related appearance and behavior whether or not traditionally associated with the person’s physical anatomy or sex at birth.

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- 2.14 “Gender identity”: Gender identity refers to one’s internal, personal sense of being male or female.
- 2.15 “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 biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
- 2.16 “Status with regard to public assistance”: Status with regard to public assistance means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- 2.17 “Immediately” means as soon as possible but in no event longer than one (1) school day.
- 2.18 “Remedial response” means a measure to stop and correct acts of discrimination, harassment, or violence, prevent acts of discrimination, harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of discrimination, harassment, or violence.

3.0 Reporting Procedures

- 3.1 Any person who believes he or she has been the victim of discrimination, harassment or violence on the basis of race, color, creed, religion, national origin, sex, gender identity/expression, sexual orientation, age, disability, marital status, familial status, or status with regard to public assistance by a pupil, teacher, administrator or other school personnel of the School District, or any person with knowledge or belief of conduct which may constitute discrimination, harassment or violence toward a pupil, teacher, administrator or other school personnel on these bases, should report the alleged acts immediately to an appropriate School District official designated by this policy. A person may report conduct which may constitute discrimination, harassment or violence anonymously. However, the School District may not rely solely on an anonymous report to determine discipline or other remedial responses.

The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office, but oral reports shall be considered complaints as well.

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Nothing in this policy shall prevent any person from reporting discrimination, harassment or violence directly to a District Human Rights Officer or to the Superintendent. If the complaint involves the principal, the complaint shall be made or filed directly with the Superintendent or the District Human Rights Officer by the reporting party or complainant.

For purposes of this policy principal shall be defined as a building principal or the Director of Community Education.

- 3.1.1 In each school building the building principal or the principal's designee is the person responsible for receiving oral or written reports of discrimination, harassment or violence at the building level. Any adult School District personnel who receive a report of discrimination, harassment or violence prohibited by this policy shall inform the building principal immediately.
- 3.1.2 A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to possible situations, circumstances, or events that might include acts of discrimination, harassment, or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute discrimination, harassment or violence shall make reasonable efforts to address and resolve the discrimination, harassment or violence and shall inform the building report taker immediately. School district personnel who fail to inform the building report taker of conduct that may constitute discrimination, harassment or violence or who fail to make reasonable efforts to address and resolve the discrimination, harassment or violence in a timely manner may be subject to disciplinary action.
- 3.1.3 For Complaints by a Student against an Employee or an Employee against an Employee: Upon receipt of a report, the building principal shall notify a School District Human Rights Officer immediately, without investigating the report. The building principal 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 building principal to a School District Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form as soon as possible or no later than 72 hours and forward it to a School District Human Rights Officer. If the complaint involves the building principal, the complaint shall be made or filed directly with a School District Human Rights Officer by the reporting party or complainant.
- 3.1.4 For Complaints by a Student against a Student or an Employee against a Student: Upon receipt of a report, building staff must notify the building principal immediately, without screening or investigating the report. The building principal or designee will authorize an

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investigation pursuant to section 4.2 below. The building principal or designee may request, but may not insist upon, a written complaint. If the complaint involves the building principal, the complaint shall be made or filed directly with a School District Human Rights Officer by the reporting party or complainant. If the complaint is brought by a staff member against a student and the complaint involves dangerous or threatening behavior by the student, the complaint shall be forwarded to a School District Human Rights Officer.

- 3.1.5 Designation of the School District Human Rights Officers. The School Board hereby designates the administration to appoint School District Human Rights Officers to receive reports or complaints of discrimination, harassment or violence prohibited by this policy against staff. If the complaint involves one of the Human Rights Officers, the complaint shall be filed with the Superintendent.
- 3.1.6 The School District shall conspicuously post the names of the Human Rights Officer(s), including mailing addresses and telephone numbers.
- 3.1.7 Submission of a good faith complaint or report of discrimination, harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, work assignments, or educational or work environment.
- 3.1.8 Use of formal reporting forms is not mandatory.
- 3.1.9 Reports of discrimination, harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- 3.1.10 The School 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 School District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.
- 3.1.11 Retaliation against a victim, good faith reporter, or a witness of violence, discrimination, or harassment is prohibited.
- 3.1.12 False accusations or reports of violence, discrimination or harassment against another person are prohibited.
- 3.1.13 A person who engages in an act of violence, discrimination, or harassment, reprisal, retaliation, or false reporting of violence, discrimination or harassment, or permits, condones, or tolerates violence, discrimination or harassment shall be subject to discipline

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or other remedial responses for that act in accordance with the school district's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence, discrimination or harassment or who engage in reprisal or intentional false reporting may range from remedial responses or positive behavioral interventions up to and including suspension and/or expulsion.

Consequences for employees who permit, condone, or tolerate violence, discrimination or harassment or engage in an act of reprisal or intentional false reporting of violence, discrimination or harassment may result in disciplinary action up to and including termination or discharge.

Consequences for other individuals engaging in prohibited acts of violence, discrimination or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

4.0 Investigation

- 4.1 For Complaints by a Student against an Employee or an Employee against an Employee: By authority of the School District, the Human Rights Officer, within three (3) school days of receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.
- 4.2 For Complaints by Students against Students or an Employee against a Student: By authority of the School District, the building principal or designee, within three (3) school days of receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.
- 4.3 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.
- 4.4 The alleged perpetrator of the act(s) of discrimination, harassment or violence shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.

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- 4.5 In determining whether alleged conduct constitutes a violation of this policy, the School District 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.
 - 4.6 Based on the preponderance of the evidence, the School District will determine whether the alleged conduct was an act of discrimination or created an intimidating, hostile, or offensive educational environment.
 - 4.7 In addition, the School District 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 discrimination, harassment or violence prohibited by this policy.
 - 4.8 For employees, the investigation will be completed as soon as possible. The School District Human Rights Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, 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.
 - 4.9 For students, the investigation will be completed as soon as possible. The building principal or designee shall make a written report to a School District Human Rights Officer upon completion of the investigation. 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.
- 5.0 School District Action
- 5.1 Upon completion of an investigation that determines a violation of this policy has occurred, the School District will take appropriate action consistent with applicable collective bargaining agreements (if any), Minnesota and federal laws, and School District policies and regulations. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge.
 - 5.2 The School District is not authorized to disclose to a victim private educational or personal data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the parent(s) or guardian(s) of targets or victims of discrimination, harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of discrimination, harassment or violence who have been involved in a reported and confirmed discrimination, harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

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5.3 In order to prevent or respond to acts of discrimination, harassment or violence committed by or directed against a child with a disability, the School District shall, where determined appropriate by the child's individualized education program (IEP) or section 504 team, allow the child's IEP or Section 504 plan to be drafted to address the skills and proficiencies the child needs as a result of the child's disability to allow the child to respond to or not to engage in acts of discrimination, harassment or violence.

6.0 Reprisal

The School District will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports in good faith alleged discrimination, harassment or violence prohibited by this policy, 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. Remedial responses to the discrimination, harassment or violence shall be tailored to the particular incident and nature of the conduct.

7.0 Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse that 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.

8.0 Harassment or Violence as Abuse

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.

9.0 Dissemination of Policy and Training

9.1 This policy shall be conspicuously posted, with the names of the Human Rights Officers, including mailing addresses and telephone numbers, throughout each school building in areas accessible to students, staff members and volunteers.

9.2 This policy shall be given to each School District employee and independent contractor who regularly interacts with students at the time of entering into the person's employment contract.

9.3 This policy shall appear in a student rights and responsibilities policy book and an abbreviated version shall appear in the student handbooks.

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- 9.4 The School District will communicate this policy to students, families and employees.
- 9.5 The School District 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.
- 9.6 This policy shall be reviewed periodically for compliance with state and federal law.

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