

500 SERIES – STUDENTS

548 HARASSMENT AND VIOLENCE

I. Definitions

A. Sexual Harassment and Violence

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other physical or verbal 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;
 - 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 educational environment.
2. Sexual violence is a physical act of aggression or assault upon another person that includes a sexual act or sexual purpose.

B. Religious and Racial Harassment and Violence

1. Religious/racial harassment consists of physical or verbal conduct or communication which is related to an individual's religion/race 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.
2. Religious/racial violence is a physical act of aggression or assault upon another person because of, or in a manner reasonably related to, religion/race.

C. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability 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. Protected Classifications; Definitions

500 SERIES – STUDENTS

548 HARASSMENT AND VIOLENCE

1. “Age” means the person is over the age of 25 years.
2. “Disability” means any conditions or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
3. “Familial status” means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor’s legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family 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.
4. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
5. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
6. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
7. “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.
8. “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.

E. Violence; Definition

500 SERIES – STUDENTS

548 HARASSMENT AND VIOLENCE

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, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

II. Intervention and Reporting Procedure

- A. District employees who witness harassment or violence directed at a student should take appropriate action if they may do so safely and report the incident to the building's site leader. In case of an emergency, district employees should call for assistance.
- B. Victims of alleged sexual, religious, or racial harassment or violence or third persons with knowledge of such conduct will report the alleged act immediately to the Principal.
- C. Submission of a good faith complaint or report of harassment or violence will not affect students' grades.
- D. 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 obligation to investigate, to take appropriate disciplinary action, and to conform with any discovery or disclosure obligations.

III. Investigation and District Action

- A. Complaints of harassment or violence based on a protected classification as defined in section I. D. herein perpetrated by a student shall be investigated by the building administration. Disciplinary action shall be taken in accordance with Policy 506 - Student Discipline and building procedures.
- B. Complaints of sexual harassment or sexual violence perpetrated by an employee or agent of the School District against a student must be reported and investigated as directed in Policy 413 – Harassment and Violence, Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse, and as required by M.S. 626.556 – Reporting of Maltreatment of Minors and other applicable law.

IV. Retaliation

The District will discipline any individual who retaliates against any person who reports, testifies, assists or participates in any manner in any investigation, proceeding, or hearing related to harassment or violence based on a protected classification. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

V. Notification

500 SERIES – STUDENTS

548 HARASSMENT AND VIOLENCE

Policy 548 – Harassment and Violence will be conspicuously posted in each school building and included in student handbooks. Schools will develop a method of discussing this policy with students.

Procedure Revised: 1/24/12

Procedure 548 Dated: 10/16/01
(formerly Procedure 532 – 2/2/99)
(formerly Procedure 5422)

Procedure Revised: 2/17/98

Procedure Revised: 2/1/94

Procedure Dated: 4/3/90

Legal References

M.S. 121A.03, subd. 2--Sexual, Religious, & Racial Harassment and Violence Policy

M.S. 363 – Department of Human Rights

M.S. 626.556 – Reporting of Maltreatment of Minors

Legal References

Policy 413 – Harassment and Violence

Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Policy 506 - Student Discipline

Notification Statement

School Board

INDEPENDENT SCHOOL DISTRICT 279

Maple Grove, Minnesota