

Mounds View Public Schools Ends and Goals Regulation

EG-3104 Harassment, Intimidation, Bullying, Violence, Hazing or Other Forms of Personal Attack

Mounds View Public Schools will maintain a learning and working environment that is free from religious, racial, or sexual harassment, intimidation, bullying, violence, hazing and other forms of personal attack.

It will be a violation of this policy for any pupil, teacher, administrator or other school personnel to harass, intimidate or bully a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding religion, race, disability, sexual orientation or other group affiliation 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 Mounds View Public Schools.

It will be a violation of this policy for any pupil, teacher, administrator or other school personnel of Mounds View Public Schools to inflict, threaten to inflict, or attempt to inflict religious, racial, or sexual violence upon any pupil, teacher, administrator or other school personnel.

It will be a violation of this policy for pupils or school personnel to plan, direct, aid or engage in intimidation, bullying or hazing. School personnel will not permit, condone or tolerate intimidation, bullying or hazing. Apparent consent by a person being intimidated, bullied or hazed does not lessen the prohibitions contained in this policy which applies to behavior occurring on or off school property and during and after school hours.

It will be a violation of this policy for pupils or school personnel to enact anonymous threats on other pupils or on school personnel.

Mounds View Public Schools will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial, or sexual harassment, intimidation, bullying, violence, hazing or other forms of personal attack and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel found to have violated this policy. The school building principal at each school site is designated as the primary contact person in the school to receive reports of conduct prohibited by this policy and regulation.

School staff who witness prohibited conduct or possess reliable information that would lead to a reasonable person to suspect that a student is a target of prohibited conduct must make reasonable efforts to address and resolve the prohibited conduct and must report the conduct to the building principal.

Definitions:

Sexual Harassment

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:

- (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) 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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- (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; or
- (4) submission to or rejection of such conduct by an individual is used as the basis for a student to benefit from a caring, supportive relationship with a teacher or other employee.

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;
- (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
 - (6) unwelcome behavior or words directed at an individual because of gender.

Normal, courteous, mutually respectful, non-coercive interactions between individuals that are acceptable to both parties are not considered to be sexual harassment.

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 employment or educational 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 educational opportunities.

Definitions:

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 educational 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 educational opportunities.

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Disability Harassment

Disability harassment consists of physical or verbal conduct which is related to an individual's disability when the conduct:

- (1) has the purpose or effect of creating an intimidating, hostile, or offensive working or educational 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 educational opportunities.

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 Minnesota Statutes Section 609.341, includes the primary genital areas, 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.

Definitions:

Racial Violence

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

Religious Violence

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

Disability Violence

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

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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.

Intimidation

Intimidation means committing an act or statement against a student, teacher or other staff member that is intended to cause fear in that individual through the threat of violence, ridicule, ostracism or embarrassment.

Bullying

Bullying means committing an act or statement against a student, teacher or other staff member which carries out a threat of violence, ridicule, ostracism or embarrassment in any format and for any reason,

Cyberbullying means bullying using technology or other electronic communication, including but not limited to, a transfer of a sign, signal, writing, image, sound, or data, including a post on social network Internet Web Site or forum, transmitted through a computer, cell phone, or other electronic device.

Hazing

Hazing means committing an act against a student, or coercing a student into committing an act that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term "hazing" includes, but is not limited to

- (1) any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body;
- (2) any type of physical activity such as sleep deprivation, exposure to weather, confinement to a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (3) any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student;
- (4) any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation that adversely affects the mental health or dignity of the student or discourages the student from remaining in school;
- (5) any activity that causes or requires the student to perform a task that involves violation of state or federal law or of School District policies or regulations.

Intimidating, threatening, abusive, or harming conduct may involve, but is not limited to, conduct that causes physical harm to a student or a student's property or causes a student to be in reasonable fear of harm to person or property; under Minnesota common law, violates a student's reasonable expectation of privacy, defames a student, or constitutes intentional infliction of emotional distress against a student; is directed at any student or students, including those based on a person's actual or perceived race,

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ethnicity, color, creed, religion, national origin, immigration status, sex, marital status, familial status, socioeconomic status, physical appearance, sexual orientation, including gender identity and expression, academic status related to student performance, disability, or status with regard to public assistance, age or any additional characteristic defined in chapter 363A.

Student Organization means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

Definitions:

Other Forms of Personal Attack

Anonymous Threats

Anonymous threats include, but are not limited to:

- (1) Unsigned written communications of a threatening nature
- (2) Unidentified voice-mail* communications of a threatening nature
- (3) Unidentified e-mail* communications of a threatening nature

Such threats have the purpose of

- (1) Creating an intimidating, hostile, or offensive working or educational environment;
- (2) Substantially or unreasonably interfering with an individual's work or academic performance; or
- (3) Otherwise adversely affects an individual's employment or educational opportunities

The foregoing prohibitions and definitions of harassment, intimidation, bullying, violence, hazing and other forms of personal attack apply to any format. This includes but is not limited to, use of words or written materials, use of the internet or other electronic communication formats such as social web pages, physical contact, art work, etc.

Reporting Incidents of Harassment, Violence, Hazing and Other Forms of Personal Attack

Any person who believes he or she has been the victim of religious, racial, or sexual harassment, intimidation or bullying, violence, or hazing or other form of personal attack 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 religious, racial, or sexual harassment, intimidation, bullying, violence, or hazing or other form of personal attack toward a pupil, teacher, administrator, or other school personnel should report the alleged acts immediately to the building principal or the District Human Rights Officer or an appropriate School District official designated in accompanying Regulation EG-3104. The School District encourages the reporting party or complainant to use Report Form EG-3104 available from all principals or from the School District office, but oral reports will be considered complaints as well.

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Nothing in this policy will prevent any person from reporting harassment, or violence, or hazing or other forms of personal attack directly to a District Human Rights Officer or to the Superintendent.

The School District Human Rights Officer receives reports or complaints of religious, racial, or sexual harassment, intimidation, bullying, violence, hazing or other forms of personal attack. If the complaint involves a Human Rights Officer, the complaint will be filed directly with the Superintendent. The School District will conspicuously post the name, address and phone numbers of Human Rights Officer.

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 with any discovery or disclosure obligations.

Investigation

By authority of the School Board, the Human Rights Officer, upon receipt of a report or complaint alleging religious, racial, or sexual harassment, intimidation, bullying, violence, hazing or other forms of personal attack will immediately undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District. The School District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation.

School District Action

Upon completion of the investigation, the School District will take appropriate action. Such action may include, but not be limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School District 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. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline prohibited behavior.

The result of the School District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District in accordance with state and federal law regarding data or records privacy.

Individuals who initiate a report under this policy and regulation will be provided information regarding their rights to possess aspects of the investigation report.

Reprisal

Submission of a good faith complaint or report of religious, racial, or sexual harassment, intimidation, bullying, violence, hazing or other form of personal attack will not affect the complainant or reporter's future employment, grades, or work assignments.

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 alleged religious, racial, or sexual harassment, intimidation, bullying, violence, hazing or other forms of personal attack 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, intimidation, bullying, violence, hazing or other forms of personal attack. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

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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.

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 Minnesota Statutes 626.556 may be applicable.

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged harassment, violence, or abuse.

Complaints Involving Criminal Actions

Any student or employee who believes he or she is the victim of a criminal act should immediately contact local law enforcement officials. If the District Human Rights Officer or the Director of Human Resources believes a criminal act has been committed, he/she should immediately contact local law enforcement officials.

Assistance in Resolving Complaints

The District Human Rights Officer and the Director of Human Resources will be available to provide information and assistance to administrators and supervisors regarding these procedures.

The policy and accompanying regulations must be provided to parents, students and staff. This includes being posted on school and district web sites and in student handbooks.

Staff will be trained in the contents and protocol of this policy and regulation every year.

Parents and students will be convened to review this regulation at least every three years.

This policy and regulation will be provided to volunteers and contractors working in the District.

Ref:

M.S. 121A Student Rights, Responsibilities and Behavior

September 9, 2002
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