

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 or sexual harassment and violence. The school prohibits any form of harassment and violence based on religion, race, sexual orientation, or sex.

II. GENERAL STATEMENT OF POLICY

- A. It shall be a violation of this policy for any pupil, teacher, administrator or other Prairie Creek Community School employee to harass a pupil, teacher, administrator or other Prairie Creek Community 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 district.)
- B. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of Prairie Creek Community School to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any pupil, teacher, administrator or other school personnel.
- C. Prairie Creek Community School will act to investigate all complaints, either formal or informal, verbal or written, that conflict with the purpose of this policy.

III. RELIGIOUS, RACIAL, SEXUAL ORIENTATION 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 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; Definition

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; Definition

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 Orientation Harassment; Definition

Sexual orientation harassment consists of physical or verbal conduct relating to an individual's sexual orientation 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.

E. Sexual Violence; Definition

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.

- 1. 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.

F. 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.

G. 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.

H. Sexual Orientation Violence; Definition

Sexual orientation violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, the person's sexual orientation.

I. Assault; Definition

For purposes of this policy only, 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.

IV. **REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school personnel or group of students, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. However, Prairie Creek Community School may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. Prairie Creek Community School administration are the people responsible for receiving written reports of religious, racial, sexual orientation, or sexual harassment or violence at the building level. Any adult Prairie Creek Community School employee who receives a report of religious, racial, sexual orientation, or sexual harassment or violence shall inform an administrator immediately.
- C. If the complaint involves a Prairie Creek Community School administrator the complaint shall be made or filed directly with the school board chair by the reporting party or complainant.
- D. Submission of a good faith complaint or report of religious, racial, sexual orientation, or sexual harassment or violence will not affect the complainant or reporter's future employment, grades or work assignments.
- E. Use of formal reporting forms is encouraged but not mandatory.

- F. Prairie Creek Community School 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 Prairie Creek Community School legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.
- G. 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, work assignments, or educational or work environment.
- H. Reports of 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.
- I. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- J. False accusations or reports of violence or harassment against another person are prohibited.
- K. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with Prairie Creek Community School's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of violence 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 or harassment or engage in an act of reprisal or intentional false reporting of violence or harassment may result in disciplinary action up to and including termination or discharge.

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

V. INVESTIGATION

- A. By authority Prairie Creek Community School, administration, upon receipt of a report or complaint alleging religious, racial, sexual orientation, or sexual harassment and violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by Prairie Creek Community School administration or by a third party designated by Prairie Creek Community 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, Prairie Creek Community 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, Prairie Creek Community 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 and violence.

- E. The alleged perpetrator of the act(s) of 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.
- F. The investigation will be completed as soon as practicable. A written report will be presented to the Director 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 ACTION

- A. Upon receipt of a report, Prairie Creek Community School will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, remediation, termination or discharge. Any action taken for violation of this policy will be consistent with requirements of applicable performance improvement plan, Minnesota and federal law and Prairie Creek Community School policies.
- B. Prairie Creek Community School is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of Prairie Creek Community School. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, Prairie Creek Community School 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 harassment or violence.

VII. REPRISAL

Prairie Creek Community School will discipline or take appropriate action against any pupil, teacher, administrator or other Prairie Creek Community School personnel who retaliates against any person who makes a good faith report of alleged religious, racial, sexual orientation, or sexual harassment and 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 POSSIBLE 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 Minnesota Statutes chapter. 260E may be applicable.
- B. Nothing in this policy will prohibit Prairie Creek Community School from taking immediate action to protect victims of alleged harassment and violence.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted in the Prairie Creek Community School building in an area accessible to pupils and staff members.
- B. This policy shall be given to each Prairie Creek Community School employee and independent contractor at the time of entering the person's working agreement.
- C. This policy shall appear on the school website.
- D. The school will develop a method of discussing this policy with students and employees.
- E. Prairie Creek Community 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.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
 Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
 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)
 Minn. Stat. § 609.341 (Definitions)
 Minn. Stat. Ch. 260E (Reporting of Maltreatment of Minors)
 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
 29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
 42 U.S.C. § 2000d *et seq.* (Title VI of the Civil Rights Act of 1964)
 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)