

INDEPENDENT SCHOOL DISTRICT 719
PRIOR LAKE - SAVAGE AREA SCHOOLS**413 HARASSMENT AND VIOLENCE****I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from harassment, and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or disability (Protected Class).

II. DEFINITIONS

- A. "Assault":
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.
- B. "Harassment": 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, gender identity 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.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications:
1. "Age" means the person is over the age of 25 years.
 2. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has record of such an impairment;
 - c. is regarded as having such an impairment; or
 - d. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
 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 legal guardian with the written permission of the parent or parents or legal 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. "Gender Identity" means a person's inherent sense of being a man, woman, both, or neither. A person's gender identity may or may not correspond to their assigned sex at birth or to their primary or secondary sex characteristics. A person's gender identity is not necessarily visible to others.
 5. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment or discrimination on the basis of the identity, situation, actions or beliefs of a spouse or former spouse.
 6. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 7. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 8. "Sexual orientation" means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.
 9. "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. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.
- F. Sexual Harassment:
1. Sexual harassment includes 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 employment or 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 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 student(s) by teachers, administrators, or other school district 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 sexual orientation, gender identity or expression.

G. Sexual Violence:

- 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 a person's intimate parts. Intimate parts, as defined in Minnesota Statutes Section 609.341, including 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.

H. 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 an individual's Protected Class.

III. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to maintain a learning and working environment that is free from harassment and violence on the basis of Protected Class. The school district prohibits any form of harassment or violence on the basis of Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator or other school personnel of the school district harasses a student, teacher, administrator or other school personnel through conduct or communication, based on a person's Protected Class, as defined by this policy. For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors, bus drivers, bus contractors or persons subject to the supervision and control of the district.

- C. A violation of this policy occurs when any student, teacher, administrator or other school personnel of the school district inflicts, threaten to inflict, or attempts to inflict violence, upon any student, teacher, administrator or other school personnel or group of students, teachers, administrators, or other school personnel based on a person's Protected Class.
- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence, based on a person's Protected Class and to discipline or take appropriate action against any student, teacher, administrator or other school personnel who is found to have violated this policy.
- E. Because there are multiple, overlapping laws governing the school district's response to allegations of sexual harassment, all allegations of sexual harassment are subject to Policy 522.

REPORTING PROCEDURES

- A. Any person who believes the individual has been the victim of harassment, or violence, on the basis of Protected Class by a student, teacher, administrator or other school personnel of the school district, 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 district official designated by this policy. A person may report conduct that may constitute 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 District Services Center, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment, violence, directly to a district human rights officer or to the superintendent.

- B. In Each School Building: The building principal, or the principal's designee (hereinafter building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant.
- C. 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 harassment or violence. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute harassment or violence shall make reasonable efforts to address and resolve the 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 harassment or violence or who fail to make reasonable efforts to address and resolve the harassment or violence in a timely manner may be subject to disciplinary action.
- D. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report

taker 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 report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24 hours and forward it to the human rights officer. The building report taker shall ensure that this policy and its procedures, practices, consequences, and sanctions are fairly and fully implemented and shall serve as a primary contact on policy and procedural matters. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

- E. In the District: The school board hereby designates the Executive Director of Academic Services as the school district human rights officer to receive reports or complaints of harassment or violence, prohibited by this policy when a student is the alleged victim; the Executive Director of Administrative Services is designated as the school district human rights officer when an employee is the alleged victim. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- F. The school district shall conspicuously post the names of the human rights officers, including mailing address and telephone number.
- 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 or work assignments.
- H. While encouraged, the use of formal reporting forms is not mandatory.
- I. 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. 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 comply with any discovery or disclosure obligations.
- J. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- K. False accusations or reports of violence or harassment against another person are prohibited.
- L. 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 the school district's policies and procedures.
- M. 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.
- N. 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.
- O. Consequences for other individuals engaging in prohibited acts of violence or

harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

INVESTIGATION

- A. By authority of the school district, the human rights officer, within three (3) business days of the 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.
- 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 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.
- D. In addition, the School District may take immediate steps, at its discretion, to protect the target or victim, complainant, students, teachers, administrators or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- 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. 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.

SCHOOL DISTRICT ACTION

- A. Upon completion of the investigation, the school district will take appropriate action. Such action may include, but is not 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.
- B. 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.
- C. In order to prevent or respond to acts of 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 harassment or violence.

REPRISAL

The school district will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged 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, harassment, or intentional disparate treatment. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

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 or another state or federal agency, initiating civil action or seeking redress under state criminal statutes and/or federal law.

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 Minnesota Statute may be applicable.
- B. Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged harassment, violence or abuse.

DISSEMINATION OF POLICY AND TRAINING

- A. A summary of this policy shall be conspicuously posted in each school building in an area accessible to students and staff members,
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. 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, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References: MN Stat. § 120B.232 (Character Development Education)
MN Stat. § 120B.234 (Child Sexual Abuse Prevention Education)
MN Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)
MN Stat. § 121A.031 (School Student Bullying Policy)
MN Stat. Ch. 363A (Minnesota Human Rights Act)
MN Stat. § 609.341 (Definitions)
MN 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)

Cross References: [Policy 102 \(Equal Educational Opportunity\)](#)
[Policy 401 \(Equal Employment Opportunity\)](#)
[Policy 402 \(Disability Nondiscrimination Policy\)](#)
[Policy 403 \(Discipline, Suspension, and Dismissal of School District Employees\)](#)
[Policy 406 \(Public and Private Personnel Data\)](#)
[Policy 414 \(Mandated Reporting of Child Neglect or Physical or Sexual Abuse\)](#)
[Policy 506 \(Student Discipline\)](#)
[Policy 506.1 \(Bullying Prohibition\)](#)
[Policy 515 \(Protection and Privacy of Pupil Records\)](#)
[Policy 521 \(Student Disability Nondiscrimination\)](#)
[Policy 522 \(Title IX Sex Nondiscrimination, Grievance Procedures and Process\)](#)
[Policy 524 \(Electronic Technologies Acceptable Use Policy\)](#)
[Policy 526 \(Hazing Prohibition\)](#)
[Policy 528 \(Student Familial and Marital Status Nondiscrimination\)](#)

School Board Adoption: March 10, 2025

Orig: April 2007
Revised: September 2008
October 2009
January 2010
May 2011
August 2011
July 2020
August 2021
July 2022
June 2024
March, 2025

PRIOR LAKE - SAVAGE AREA SCHOOLS
INDEPENDENT SCHOOL DISTRICT 719

HARASSMENT AND VIOLENCE REPORT FORM

General Statement of Policy Prohibiting Harassment, or and Violence

Independent School District 719 maintains a firm policy prohibiting all forms of discrimination. Harassment or violence, against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status with regard to public assistance, sexual orientation, gender identity or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, gender identity or disability by any student, teacher, administrator or other school personnel, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant: _____

Home Address: _____

Work Address: _____

Home Phone: _____ Work Phone: _____

Date of Alleged Incident(s): _____

Basis of Alleged Harassment/Violence - circle as appropriate:

race / color / creed / religion / national origin / sex / age / marital status / familial status / status with regard to public assistance / sexual orientation / gender identity / disability

Name of person you believe harassed or was violent toward you or another person or group: _____

If the alleged harassment or violence was toward another person or group, identify that person or group:

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; etc. (attach additional pages if necessary):

When and where did the incident(s) occur?

List any witnesses who were present:

This complaint is filed based on my honest belief that _____ has harassed or has been violent to me or to another person or group. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

Complainant Signature

Date

Received By

Date