

Adopted: March 28, 1995
Revised: March 22, 1999
February 14, 2005
September 22, 2008
November 9, 2015 [Routine Review/MSBA Model Policy]
June 12, 2017 [Routine Review/MSBA Model Policy Modified]
February 12, 2018 [Routine Review/No Change]
May 28, 2019 [Routine Review / MSBA Model Policy Modified]
April 27, 2020 [Routine Review/No Change]
May 10, 2020 [Routine Review/No Change]
Board Information: April 26, 2021 [Routine Review/ MSBA Model Policy Modified /No Change]
Board Approval: May 10, 2021 [Routine Review/ MSBA Model Policy Modified /No Change]
Contact Person: Executive Director of Human Resources; Assistant Superintendent

POLICY 413 HARASSMENT AND VIOLENCE

I. PURPOSE

To maintain a learning and working environment that is free from harassment, unlawful discrimination, 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, including gender identity or expression, immigration status, or disability.

II. GENERAL STATEMENT OF POLICY

- A. The District will maintain a learning and working environment that is free from harassment, unlawful discrimination, 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, including gender identity or expression, immigration status, or disability. The District prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, and familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A student, teacher, administrator, or other District personnel will not harass a student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability, as defined by this Policy. (For purposes of this policy, District personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District).
- C. A student, teacher, administrator, or other District personnel will not inflict, threaten to inflict, or attempt to inflict violence upon any student, teacher, administrator, or other District personnel or group of students, teachers, administrators, or other District personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability.

- D. The District will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability, and to discipline or take appropriate action against any student, teacher, administrator, or other District personnel who is found to have violated this Policy.
- E. Retaliation against a victim, good faith reporter, or a witness of harassment is prohibited.

III. POLICY DISSEMINATION AND TRAINING

- A. This Policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This Policy shall be given to each District employee and independent contractor who regularly interacts with students at the time of initial employment with the District.
- C. This Policy shall appear in the student handbook.
- D. The District will develop a method of discussing this Policy with students and employees.
- E. The 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 respect, responsibility, integrity, citizenship, and honesty.
- F. This Policy shall be reviewed at least annually for compliance with state and federal law.

Adopted: March 28, 1995
Revised: March 22, 1999
February 14, 2005
September 22, 2008
November 9, 2015 [Routine Review/MSBA Model Policy]
June 12, 2017 [Routine Review/MSBA Model Policy Modified]
February 12, 2018 [Routine Review/No Change]
May 8, 2019 [Routine Review/MSBA Model Policy Modified]
Board Information: April 26, 2021 [Routine Review/MSBA Model Policy Modified/Revised]
Board Approval: May 10, 2021 [Routine Review/ MSBA Model Policy Modified /Revised]
Contact Person: Executive Director of Human Resources; Assistant Superintendent

REGULATION 413 HARASSMENT AND VIOLENCE

I. DEFINITIONS

A. “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.

B. “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, immigration status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, 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; Definitions

1. “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 a record of such an impairment; or
 - c. is regarded as having such an impairment.
2. "Familial status" means the condition of one or more minor's 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.
 3. "Immigration Status" means the state of an individual's immigration classification status.
 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. "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; 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 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 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 student(s) by teachers, administrators, or other 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, including gender identity or expression.

G. Sexual Violence; Definition

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 any person's intimate parts. 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.

H. Violence; Definition

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, including gender identity or expression, immigration status, or disability.

II. REPORTING PROCEDURES

- A. Any person who believes he or she has been the target or victim of 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, including gender identity or expression, immigration status, or disability by a student, teacher, administrator, or other District 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 District personnel or group of students, teachers, administrators, or other District personnel should report the alleged acts immediately to an appropriate District official designated by this policy. A person may report conduct, which may constitute harassment or violence anonymously. However, the District may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The District encourages the reporting party or complainant to use the on-line form that is hosted on all Bloomington Public Schools websites, but oral reports shall be considered complaints as well.
- C. Nothing in this Policy shall prevent any person from reporting harassment or violence directly to a District human rights officer or to the superintendent. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the District human rights officer by the reporting party or complainant.

- D. In Each School Building. The building principal, the principal's designee, or the building supervisor (hereinafter the "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 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 District human rights officer by the reporting party or complainant. 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.
- E. Staff, school administrators, volunteers, or contractors 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. 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.
- F. Upon receipt of a report, the building report taker must notify the appropriate 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. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.
- G. In the District. The School Board hereby designates the Executive Director of Human Resources and the Assistant Superintendent as the District human rights officer(s) to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- H. The District shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. 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.

- J. Use of formal reporting forms is not mandatory.
- K. 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.
- L. The District will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. 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 District'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 District property and events and/or termination of services and/or contracts.

III. INVESTIGATION

- A. By authority of the District, the human rights officer, within three (3) 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 District officials or by a third party designated by the 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 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 District may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other District 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 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.

IV. DISTRICT ACTION

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the District will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable District policies and regulations.
- B. The District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the District. School officials will notify 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, the 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.

V. RETALIATION OR REPRISAL

The District will discipline or take appropriate action against any staff member or administrator who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, 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. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

VI. 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.

VII. 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 Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit the District from taking immediate action to protect victims of alleged harassment, violence, or abuse.

POLICY 413a HARASSMENT AND VIOLENCE

EARLY CHILDHOOD & ELEMENTARY E-5 BUILDING PROCEDURES FOR THE IMPLEMENTATION OF SCHOOL BOARD POLICY 413 HARASSMENT AND VIOLENCE WITHIN THE SCHOOL ENVIRONMENT

These procedures are intended to supplement the District Policy 413. For definitions, procedures, and rights, please refer to the regulation.

BUILDING STEPS FOR COMMUNICATING STUDENT AND PARENT RIGHTS

The standard E-5 early learning & elementary school statement of student rights under School Board Policy 413 will be communicated to students, parents or legal guardians by posting on bulletin boards throughout the school building, and by including the statement in school handbooks, distributing it to all new students, parents or legal guardians, as well as communicating it to parents or legal guardians through periodic publishing and republishing in newsletters or other communication sent from the school to the home of students. Such publication and distribution to homes of students attending this school will occur no less than twice each school year.

On a no less than annual basis the school will provide a building wide program, which helps students to understand their rights under School Board Policy 413. Further, on a reoccurring basis planned by the building, time will be provided in each classroom for discussion of student protection and rights issues.

A copy of the full School Board Policy 413, along with a District complaint form will be available upon request from the office of the building Principal.

Each year prior to the September opening of school, elementary Principals/Site Leaders will prepare a plan for the year which will include planned communication activities to reach students, parents, legal guardians, and staff. The plan will include procedures for posting, publishing, and other forms of distribution of the policy as well as planned student programs designed to instruct students in their rights and obligations under the policy. This communication plan will be submitted to the Assistant Superintendent.

The following announcement will be posted in each school and published in all student handbooks.

**STATEMENT OF STUDENT RIGHTS AND OBLIGATIONS
AS ADOPTED BY THE SCHOOL BOARD OF THE BLOOMINGTON SCHOOLS
AND BY (SCHOOL)**

**ATTENTION EARLY LEARNING AND ELEMENTARY STUDENTS OF BLOOMINGTON
SCHOOLS
AND
PARENTS OR LEGAL GUARDIANS OF EARLY LEARNING AND ELEMENTARY
BLOOMINGTON STUDENTS**

In compliance with the obligation of (school) to protect students and in compliance with the obligation to inform students, parents or legal guardians of the rights of students within this building, the following statement will be publicized to students, parents or legal guardians.

It is the law, the policy of the Bloomington Public Schools, and the belief of the staff of (school), that students have a right to attend this school free from an form of sexual, physical or emotional child abuse; or, any form of harassment, assault, threat or violence based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability.

If any student in this school feels uncomfortable with any comment or act from another student or from an adult within this school or on a school bus because the comment or act seems to be based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability, the student should immediately tell staff or the Principal/Site Leader of (school).

If any student is touched on their body by another student or by an adult in this school or on a school bus in any way that makes them feel uncomfortable, the student should immediately tell staff or the Principal/Site Leader of (school).

If any student is pushed, shoved, or hit by any adult in this school, or if an adult in a way that embarrasses them in front of other students punishes any child, the student should immediately tell staff or the Principal/Site Leader of (school).

If any student, parent or legal guardian wishes to make a report of any kind relative to the protection of students from abuse or harassment within this school or of the Bloomington Schools, the student, parent or legal guardian may do so by contacting **THE BUILDING PRINCIPAL OR THE APPROPRIATE DISTRICT HUMAN RIGHTS OFFICER.**

(Principal/Site Leader Name), Principal/Site Leader of (school)
(Telephone Number)

Independent School District 271 Human Rights Officers
For allegations against staff
Executive Director of Human Resources
Independent School District 271
1350 West 106th Street
Bloomington, MN 55431
952-681-6442

For allegations against students
Assistant Superintendent
1350 West 106th Street
Bloomington, MN 55431
952-681-6476

Copies of the Bloomington Schools Policy 413 are available upon request in the Office of the Principal/Site Leader of (school), or from the Offices of the District Human Rights Officers or from the Office of the Superintendent of Schools, located in the Bloomington Educational Services Center, 1350 West 106th Street, Bloomington, MN, 55431.

**EARLY LEARNING & ELEMENTARY SCHOOL BUILDING PROCEDURES IN THE
EVENT OF REPORT OF STUDENT-TO-STUDENT HARASSMENT**

**THE FOLLOWING EARLY LEARNING & ELEMENTARY SCHOOL PROCEDURES WILL
BE FOLLOWED WHEN THERE IS A REPORT OR ALLEGATION THAT A STUDENT
HAS BEEN HARASSED BY ANOTHER STUDENT UNDER DEFINITION OF SCHOOL
BOARD POLICY 413.**

Student-to-Student Harassment Action Steps

When a report comes to a responsible adult or when there is an observation by a responsible adult within (school), which may provide the basis of student to student harassment regarding race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability as defined under Policy 413, the responsible adult will make an immediate report to the building Principal/Site Leader.

1. Upon receipt of a report, the Principal/Site Leader will notify the appropriate District human rights officer immediately.
2. The Principal/Site Leader will take action steps as deemed appropriate to determine the factual information related to the reported incident. Parents, legal guardians or students will not be required to make written reports as a condition of initiating building action.
3. Once investigated, if there is a determined student-to-student harassment as defined under Policy 413, the Principal/Site Leader will implement student disciplinary steps as required to cause the harassment to stop.
4. When it is determined that the student-to-student harassment is the result of inappropriate student conduct on the part of one or more students, the action of the Principal/Site Leader will follow established standards of student discipline appropriate to the age and maturity of the students and as appropriate to the severity of the misconduct.
5. When considering consequences for inappropriate student behavior, the actions of the Principal/Site Leader will be consistent with the District Student Discipline Policy 506.
6. Upon completion of the investigation and the determination of the facts as well as the consequence if any, the Principal/Site Leader will file a written report with the appropriate Human Rights Officer. The report will include a statement of the original report, results and conclusions of the Principal/Site Leader and action steps taken by the Principal/Site Leader.

7. The Right of Privacy and Confidentiality:

The Principal/Site Leader as well as all responsible adults within the school will respect the privacy of the complainant, the individual against whom the complaint is filed and any witness, as well as the involved parents or legal guardians. To the extent consistent with the District's legal obligation to investigate and take appropriate action, identities and information relative to the complaint will be classified as confidential.

8. Prohibition on Reprisals:

Students, parents or legal guardians will be warned by the Principal/Site Leader that any conduct, which appears to be reprisal against students, parents or legal guardians involved in the complaint, will be cause for disciplinary or legal action by the District.

9. Caution on Use of Terms:

All adults are cautioned that the legal terms addressed in the School Board Policy and these procedures when used to identify inappropriate student behavior may, in some cases, be unduly alarming to all parties. These legal terms should be used with judgment and caution and are perhaps most useful when they are used within a controlled learning environment for and with children.

REGULATION 413b HARASSMENT AND VIOLENCE

SECONDARY 6-12

BUILDING PROCEDURES FOR THE IMPLEMENTATION OF SCHOOL BOARD POLICY/REGULATION 413 HARASSMENT AND VIOLENCE WITHIN THE SCHOOL ENVIRONMENT

These procedures are intended to supplement the District Policy 413. For definitions, procedures and rights, please refer to the complete district policy/regulation.

BUILDING STEPS FOR COMMUNICATING STUDENT AND PARENT/LEGAL GUARDIAN RIGHTS

The standard 6-12 secondary school statement of student rights and obligations under School Board Policy 413 will be communicated to students, parents and legal guardians by posting on bulletin boards throughout the school building, and by including the statement in school handbooks, distributing it to all new student, parents or legal guardians, as well as communicating it to parents or legal guardians through periodic publishing and republishing in newsletters or other communication sent from the school to the home of students. Such publication and distribution to homes of students attending this school will occur no less than twice each school year.

On a no less than annual basis the school will provide programs, which help students to understand their rights under School Board Policy 413. Further, on a reoccurring basis planned by the building, time will be provided in each classroom for discussion of student protection and rights issues.

A copy of School Board Policy 413, along with a District complaint form will be available upon request from the office of the building Principal.

Each year prior to the September opening of school, secondary Principals will prepare a plan for the year, which will include planned communication activities to reach students, parents, legal guardians, and staff. The plan will include procedures for posting, publishing, and other forms of distribution of the policy as well as planned student programs designed to instruct students in their rights and obligations under the policy. This communication plan will be submitted to the Assistant Superintendent.

The following announcement will be posted in each school and published in all student handbooks.

**STATEMENT OF STUDENT RIGHTS AND OBLIGATIONS
AS ADOPTED BY THE SCHOOL BOARD OF THE BLOOMINGTON SCHOOLS
AND BY (SCHOOL)**

**ATTENTION SECONDARY STUDENTS OF BLOOMINGTON SCHOOLS
AND
PARENTS/LEGAL GUARDIANS OF SECONDARY BLOOMINGTON STUDENTS**

In compliance with the obligation of (school) to protect students and in compliance with the obligation to inform students, parents and legal guardians of the rights and obligations of students within this building, the following statement will be publicized to students, parents and legal guardians.

It is the law, the policy of the Bloomington Public Schools, and the belief of the staff of (school), that students have a right to attend this school free from an form of sexual, physical or emotional child abuse; or any form of harassment, assault, threat or violence based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability

Within the meaning of School Board Policy 413, the terms Harassment, Violence and Abuse have the following definitions.

“Sexual Harassment” shall mean any unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, when:

Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or an education; or

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

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...

Examples of sexual harassment in the school or work place environment as defined by this policy may include, but are not limited to:

Unwelcome comments or communication, which has sexual meaning or is sexually based or motivated, which is suggestive or demeaning or which cause discomfort to another individual.

Pressure for sexual activity whether explicit or implicit or merely suggestive in nature. Inappropriate patting or pinching or intentional brushing against or any other sexually motivated unwelcome touching of a student’s or employee’s body.

Demanding or suggesting of sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status; or accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.

"Harassment" shall mean any conduct, comment, or communication including but not limited to electronic communications within the educational or work place environment which is reasonably related to an individual or group of individuals or a class of individuals based on their race, color, creed, religion, national origin, sex, age, marital status, familial status, immigration status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability when the conduct when:

The conduct has the purpose or effect of creating an intimidating, hostile, or offensive work place or academic environment; or

The conduct has the purpose or effect of substantially or unreasonably interfering with an individual's work place or academic performance; or

The conduct otherwise adversely effects an individual's employment or academic opportunities.

"Sexual Violence" is a physical act of aggression or force or threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's 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.

Sexual violence may include, but is not limited to:

Touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or opposite sex; or

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

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

Threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.

"Violence" 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, including gender identity or expression, immigration status, or disability.

“Assault” is an act done with intent to cause fear in another of immediate bodily harm or death; or

The intentional infliction of or attempt to inflict bodily harm upon another; or

The threat to do bodily harm to another with present ability to carry out the threat.

Any student who believes that she or he has been the victim of sexual harassment, or any form of harassment, assault, threat or violence based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability; or if any student believes she or he has been the victim of sexual, physical or emotional child abuse as defined under School Board Policy, the student is to make an immediate report.

If any student in this school feels uncomfortable with any comment or act from another student or from an adult within this school, or on a school bus because of the comment or act seems to be based on race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability, the student should immediately tell staff or the Principal of (school).

If any student is touched on their body by another student or by an adult in this school or on a school bus in any way that makes them feel uncomfortable, the student should immediately tell staff or the Principal of (school).

If any student is pushed, shoved or hit by an adult in this school, or if any child is punished by an adult in a way that embarrasses them in front of other students, the student should immediately tell staff or the Principal of (school).

If any student, parent or legal guardian wishes to make a report of any kind relative to the protection of student(s) from abuse or harassment within this school or any of the schools in the Bloomington Schools, the student or parent may do so by contacting THE BUILDING PRINCIPAL OR THE APPROPRIATE BLOOMINGTON SCHOOLS HUMAN RIGHTS OFFICER.

(Principal Name), Principal of (school)
(Telephone Number)

Independent School District 271 Human Rights Officers

For allegations against staff
Executive Director of Human Resources
Independent School District 271
1350 West 106th Street
Bloomington, MN 55431
952- 681-6442

For allegations against students
Assistant Superintendent
1350 West 106th Street
Bloomington, MN 55431
952-681-6476

Copies of the Bloomington Schools Policy / Regulation 413 are available upon request in the Office of the Principal of (school), or from the Office of the District Human Rights Officer or from the Office of the Superintendent of Schools, both located in the Bloomington Educational Services Center, 1350 West 106th Street, Bloomington, MN, 55431.

SECONDARY SCHOOL BUILDING PROCEDURES IN THE EVENT OF REPORT OF STUDENT-TO-STUDENT HARASSMENT

THE FOLLOWING SECONDARY SCHOOL PROCEDURES WILL BE FOLLOWED WHEN THERE IS A REPORT OR ALLEGATION THAT ANOTHER STUDENT UNDER DEFINITION OF SCHOOL BOARD POLICY/REGULATION 413 HAS HARASSED A STUDENT

Student-to-Student Harassment Action Steps

When a report comes to a responsible adult or when there is an observation by a responsible adult within (school), which may provide the basis of student to student harassment regarding race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, immigration status, or disability as defined under Policy 413, the responsible adult will make an immediate report to the building Principal.

1. Upon receipt of a report, the Principal will notify the appropriate District human rights officer immediately.
2. The Principal will take action steps as deemed appropriate to determine the factual information related to the reported incident. Guardians or students will not be required to make written reports as a condition of initiating building action.
3. Once investigated, if there is a determined student-to-student harassment as defined under Policy 413, the Principal will implement student disciplinary steps as required to cause the harassment to stop.
4. When it is determined that the student-to-student harassment is the result of inappropriate student conduct on the part of one or more students, the action of the Principal will follow established standards of student discipline appropriate to the age and maturity of the students and as appropriate to the severity of the misconduct.
5. When considering consequences for inappropriate student behavior, the actions of the Principal will be consistent with the Bloomington Schools Student Discipline Policy 506.

6. Upon completion of the investigation and the determination of the fact situation as well as the consequence if any, the Principal will file a written report with the appropriate Human Rights Officer. The report will include a statement of the original report, results and conclusions of the Principal and action steps taken by the Principal.

7. The Right of Privacy and Confidentiality

The Principal as well as all responsible adults within the school will respect the privacy of the complainant, the individual against whom the complaint is filed and any witness, as well as the involved parents or legal guardians. To the extent consistent with the District's legal obligation to investigate and take appropriate action, identities and information relative to the complaint will be classified as confidential.

8. Prohibition on Reprisals

Students, parents or legal guardians will be warned by the Principal that any conduct, which appears to be reprisal against students, parents or legal guardians involved in the complaint, will be cause for disciplinary or legal action by the District.

9. Caution on Use of Terms:

All adults are cautioned that the legal terms addressed in the School Board Policy and these procedures when used to identify inappropriate student behavior may, in some cases, be unduly alarming to all parties. These legal terms should be used with judgment and caution and are perhaps most useful when they are used within a controlled learning environment for and with children.