



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, or disability.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the Academy 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, or disability. The Academy prohibits any form 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, or disability.
- B. It will be a violation of this policy for any student or Academy employee to harass a student or Academy employee (or group of students or Academy employees) through conduct or communication based on the student's or Academy employee's (or group of students' or Academy employees') race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy.
- C. It will be a violation of this policy for any student or Academy employee to inflict, threaten to inflict, or attempt to inflict violence upon a student or Academy employee (or group of students or Academy employees) based on the student's or Academy employee's (or group of students' or Academy employees') race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- D. The Academy will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a student's or Academy employee's (or group of students' or Academy employees') race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any student or Academy employee who is found to have violated this policy.

III. DEFINITIONS

- A. "Academy employee" includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the Academy.
- B. "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.
- C. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 3. otherwise adversely affects an individual's employment or academic opportunities.
- D. "Immediately" means as soon as possible but in no event longer than 24 hours.
- E. Protected Classifications
1. "Age" harassment prohibited by this policy prohibits using a person's age as a basis for a decision if the person is over the age of majority except for Minnesota Statutes section 363A.13, which shall be deemed to protect any individual 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 that materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.
 3. "Familial status" means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor's legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian.

The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
 4. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
 5. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.
 6. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
 7. "Sexual orientation" means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment,

or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.

8. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.
- F. "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.
- G. Sexual Harassment
 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 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 Academy employees 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; or
 - 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.
- H. 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 any person's intimate parts. Intimate parts, as defined in Minnesota Statutes section 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.
- I. "Violence" prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

IV. REPORTING PROCEDURES

- A. Any student or Academy employee 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, or disability by a student or Academy employee, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, Academy employee, or group of students or Academy employees should report the alleged acts immediately to an appropriate Academy official designated by this policy. A person may report conduct which may constitute harassment or violence anonymously. However, the Academy may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The Academy encourages the reporting party or complainant to use the report form set forth in this policy, but oral reports shall be considered complaints as well. The report form is also available from the principal of each school, the Academy office, and on the Academy website. Use of the report form is not mandatory.
- C. The Academy encourages the reporting party or complainant to report conduct which may constitute harassment or violence within thirty (30) days of the alleged conduct whenever possible. Upon filing a report (also referred to as a complaint) with the Academy, the reporting party or complainant will be asked to provide a brief description of the alleged conduct, the date of the alleged conduct, and the name of the person(s) responsible for the alleged conduct.
- D. Prior to the submission of a complaint, the reporting party or complainant may request a pre-complaint contact with the individual alleged to be directly responsible for the conduct and/or with the persons having immediate supervisory authority related to the complaint. These persons may make reasonable efforts to meet with the school principal or the Human Resources Manager to discuss the complaint that the reporting party or complainant wishes to bring to their attention. Such a pre-complaint contact shall be at the option of the reporting party or complainant; it shall not be a precondition for the submission of a complaint to the appropriate Academy official designated by this policy.
- E. In Each School. The principal of each school (i.e., the Lower School, Middle School, and Upper School) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the school level. Any adult

Academy employee who receives a report of harassment or violence prohibited by this policy shall inform the appropriate principal immediately. If the complaint involves the principal, the complaint shall be made or filed directly with the Human Resources Manager. The principals 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. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Human Resources Manager.

- F. Academy employees 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 appropriate school principal immediately. Academy employees who fail to inform the appropriate school principal 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.
- G. Upon receipt of a report, the principal must notify the Human Resources Manager immediately, without screening or investigating the report. The principal 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 principal to the Human Resources Manager. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Human Resources Manager. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the principal.
- H. In the Academy. The school board designates the Human Resources Manager as the Academy official to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves the Human Resources Manager, the complaint shall be filed directly with the Executive Director. The Human Resources Manager may be reached at:

Mailing address: St. Croix Preparatory Academy,
4260 Stagecoach Trail N,
Stillwater, MN 55082

Telephone: 651-395-5903

The Academy shall conspicuously post the name of the above designated individual, including mailing address and telephone number.

- 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. 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.

- K. The Academy will respect the privacy of the reporting party, the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Academy's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- L. Retaliation against a victim, good faith reporter, or a witness of harassment or violence is prohibited.
- M. False accusations or reports of violence or harassment against another person are prohibited.
- N. A person who engages in an act of harassment or violence, reprisal, retaliation, or false reporting of harassment or violence, or permits, condones, or tolerates harassment or violence shall be subject to discipline or other remedial responses for that act in accordance with the Academy's policies and procedures.

Consequences for students who commit, or are a party to, prohibited acts of harassment or violence 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. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

Consequences for employees who permit, condone, or tolerate harassment or violence 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 harassment or violence may include, but not be limited to, exclusion from Academy property and events and/or termination of services and/or contracts.

V. INVESTIGATION

- A. By authority of the Academy, the Human Rights Manager, 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 Academy officials or by a third party designated by the Academy.
- B. The investigation may consist of personal interviews with the reporting party, 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 Academy 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 Academy may take immediate steps, at its discretion, to protect the target or victim, the complainant, students, and Academy employees 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 within thirty (30) days of receipt of the complaint, unless good cause exists for a longer period of time. Upon completion of the investigation, the investigator shall make a written report of the result of the Academy's investigation to the Human Resources Manager, who shall forward the report to the Executive Director. If the Human Resources Manager (as opposed to some other individual designated by the Academy) conducted the investigation, the report shall be filed directly with the Executive Director. The report shall include a determination of whether the allegations have been substantiated and whether they appear to be violations of this policy. The result of the Academy's investigation will be reported in writing to the complainant by the Academy in accordance with state and federal law regarding data or records privacy. The complainant will also be informed of the right to appeal per Section VI below.

VI. APPEAL OF COMPLAINT AND REVIEW OF APPEAL

A. Appeal of Complaint

In the event the complainant does not believe that the complaint has been resolved to his or her satisfaction, he or she may appeal to the Human Resources Manager. If the Human Resources Manager (as opposed to some other individual designated by the Academy) conducted the investigation, the appeal may be filed directly with the Executive Director. Any appeal must be made in writing within ten (10) school days of receipt of the written result of the Academy's investigation.

B. Review of Appeal

The Human Resources Manager shall conduct a review of a timely appeal and within ten (10) school days of receipt of the appeal, shall investigate further if necessary and respond in writing to the complainant to the extent allowed by law. If the Human Resources Manager conducted the investigation, this review shall be conducted by the Executive Director. The decision of the Human Resources Manager (or of the Executive Director if that individual conducted the review) is final but does not prohibit the complainant from pursuing alternative complaint procedures as discussed below in Section IX.

VII. ACADEMY ACTION

- A. Upon completion of an investigation (or appeal) that determines a violation of this policy has occurred, the Academy 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. Academy action taken for violation of this policy will be consistent with requirements of applicable Minnesota and federal law and Academy policies and procedures.

- B. The Academy 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 Academy. Academy 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 Academy 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.

VIII. RETALIATION OR REPRISAL

The Academy will discipline or take appropriate action against any student or Academy employee 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, or who testifies, assists, or participates in an investigation, proceeding, or hearing relating to such harassment, violence, or retaliation. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or 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 retaliation or reprisal.

IX. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse at any time 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, or contacting the Office for Civil Rights for the United States Department of Education or the Equal Employment Opportunity Commission.

U.S. Department of Education
Office for Civil Rights, Chicago Office
500 W. Madison Street - Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
Fax: 312-730-1576
Email: OCR.Chicago@ed.gov
Email: Info.MDHR@state.mn.us

MN Department of Human Rights
Freeman Building
625 Robert Street North
St. Paul, MN 55155
Tel: 651-539-1100
Toll-free: 1-800-657-3704
Fax: 651-296-9042

Equal Employment Opportunity Commission
330 S. 2nd Avenue, Suite 720
Minneapolis, MN 55401
Tel: 1-800-669-4000
Fax: 612-335-4044

X. 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 Academy from taking immediate action to protect victims of alleged harassment, violence, or abuse.

XI. DISSEMINATION OF POLICY 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 Academy employee and independent contractor at the time of initial employment with the Academy.
- C. This policy shall appear in the student handbook.
- D. The Academy will develop a method of discussing this policy with students and employees.
- E. The Academy 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. § 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. § 626.556 et seq. (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 (Rehabilitation Act of 1973, § 504)

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)