



Policy Title & Number	413 - Harassment & Violence Policy and Reporting Form
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Date Created:	April 26, 2018
Past Policy Revision Date(s):	Reviewed August 2018
Related Policy(ies):	
Policy Type (Operating, Board)	Operating

A. 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/gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability or any additional characteristic defined in the Minnesota Human Rights Act.

B. Definition

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/gender, 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.

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications; Definitions 1

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 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.

3. "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.

4. "National origin" means the place of birth of an individual or of any of the individual's lineal ancestors.

5. "Sex" includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

6. "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.

7. "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 interview 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 pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
 - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
 - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - f. unwelcome behavior or words directed at an individual because of gender.

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, or disability.

C. Policy Statement

General Statement of Policy Prohibiting Harassment and Violence

TrekNorth 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, 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, gender, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any pupil, teacher, administrator, or other school personnel, which create an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

TrekNorth Harassment and Violence Reporting Form is to be turned into our Civil Rights Officer: Rebecca Snyder, Room 131, extension 131, rsnyder@treknorth.org

This policy may be revised at any time without notice. All revisions supersede prior policy and are effective immediately upon approval by the Director.

D. Associated Procedures or Other Information

TrekNorth Harassment and Violence Reporting Form

Name of Person Making the Complaint: _____

Phone number: _____

Date of Alleged Incident(s): _____

Basis of Alleged Harassment/Violence - circle as appropriate:

race \ color \ creed \ religion \ national origin \ sex \ gender \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ 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.)

Where and when did the incident(s) occur?

List any witnesses that 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)

E. Associated Forms

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)

Cross References: MSBA/MASA Model Policy 102 (Equal Educational Opportunity) MSBA/MASA Model Policy 401 (Equal Employment Opportunity) MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy) MSBA/MASA Model Policy 406 (Public and Private Personnel Data) MSBA/MASA Model Policy 506 (Student Discipline) MSBA/MASA Model Policy 514 (Bullying Prohibition Policy) MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records) MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination) MSBA/MASA Model Policy 522 (Student Sex Nondiscrimination) MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy) MSBA/MASA Model Policy 526 (Hazing Prohibition)