

**Human Resources Committee**  
Duluth Public Schools, ISD 709

Agenda

Monday, August 11, 2014

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

4:15 PM

- |  |          |
|--|----------|
| <b>1. Staffing Report Action Items</b>   | <b>2</b> |
| <b>2. Other Action Items</b>   |          |
| A. Policy Change to Policy 4015 Prohibiting Harassment, and Violence -<br>(2nd Reading) - see attachment | 6        |
| <b>3. Informational Items</b>  |          |
| A. 4015R-Prohibiting Harassment, and Violence - see attachment   | 8        |
| <b>4. Future Items</b>   |          |
| A. <i>There are no HR Future Items at this time.</i>   |          |

**HUMAN RESOURCES ACTION ITEMS FOR: 8/19/14**

<b><u>CERT APPOINTMENT</u></b>	<b><u>POSITION/SITE/CLASS&amp;STEP/REPLACING</u></b>	<b><u>EFFECTIVE DATES</u></b>
BARNES, JANE	PARENT EDUCATOR/INFANT SPEC/BARNES ECFE, III+15 5, A GORANSON	08/27/14
CHUMICH, JUSTIN	KDGN/PIEDMONT, III, 3 REALLOC OF FTE	08/27/14
DIMMICK, TAYLOR	.4 SCHOOL SOCIAL WORKER/DW/LESTER, III 4, J SARGENT	08/21/14
HENDERSON, LYNN	.925 PARENT EDUCATOR/DW/ECFE, III 8, E DAVIS	08/27/14
JASPERSON-AAGENES, STEPHANIE	SPECIAL ED DCD III/ORDEAN EAST, IV 8, REALLOC OF FTE	08/27/14
MATTSON, BARBARA	SPECIAL ED DCD III/MEYERS WILKINS, III+30 6 , D HAGEN	08/27/14
MILLER, MIRANDA	AUTISM/EAST, III 3, H LYLE	08/27/14
NORMAN, ADRIAN	PRINCIPAL/ALC, 40/45, \$106,650.00, REALLOC OF FTE	08/04/14
OLSON, SUSAN	LD/DENFELD, MA+15 9, J PREIST	08/27/14
PETERSON, BLAKE	BAND/EAST, IV 7, D BROWN	08/27/14
PORTE, JULIA	ESL/DW, III 2, REALLOC OF FTE	08/27/14
RAMOS, ROSA	SCHOOL PSYCHOLOGIST/DW, III+45 2, I ANDERSON	08/27/14
SCHEIB, DINA	ECSE 3-5 OUTREACH/DW, IV 9, M OLEK	08/27/14
WARD, AMANDA	SPEECH LANGAUGE PATHOLOGIST/DW, MA+15 6, B MINEHEINE	08/27/14
*PLACEHOLDER		
Total: 14		
<b><u>CERT COCURRICULAR</u></b>	<b><u>POSITION/LOCATION/EFFECTIVE DATE/STIPEND</u></b>	<b><u>EFFECTIVE DATES</u></b>
ERCHUL, KAYLEN	HEAD TRACK/DENFELD, 13/14, \$2679.00	
Total: 1		
<b><u>CERT EXTENSION</u></b>	<b><u>POSITION/LOCATION/CONDITION</u></b>	<b><u>EFFECTIVE DATES</u></b>
BENSON, KATHY	PRE-K/BARNES HDST, NOT TO EXCEED 40 HRS	06/09/14 07/03/14
FERGUSON, MARGARET	ESY TOSA DUTIES/DW, NOT TO EXCEED 200 HRS, CHANGE IN DATE	06/09/14 07/14/14
JONES, GREG	STAFF DEV COORD/HOCHS, NOT TO EXCEED 125 HRS	07/01/14 08/29/14
Total: 3		
<b><u>CERT LEAVES</u></b>	<b><u>POSITION/LOCATION/LEAVE TYPE</u></b>	<b><u>EFFECTIVE DATES</u></b>
BARTHOLDT, SABINE	SOCIAL STUDIES/EAST, MID-CAREER LEAVE EXTENSION, W/O PAY	08/27/14 06/05/15
BURNHAM, BERNADETTE	GR 3/MACARTHUR, POLICY #4125, .2 W/O PAY	08/27/14 06/05/15
FROEHLINGS DORF, PETER	GR 6/WOODLAND, MID-CAREER LEAVE, W/O PAY, CHANGE IN DATES	09/03/12 06/06/14
MAKI, KATHLEEN	KDGN/LOWELL, MEDICAL, .5 W/O PAY, 5/19/14-6/6/14	05/05/14 05/13/14
Total: 4		
<b><u>CERT PERM INCREASE</u></b>	<b><u>POSITION/LOCATION/CONDITION</u></b>	<b><u>EFFECTIVE DATES</u></b>
COLE, JESSICA	MATH/LINCOLN, .8 TO 1.0	08/27/14
HESS, VALERIE	EBD/MACARTHUR, .8 TO 1.0	08/27/14
KLABER-HARTL, CATHERINE	ENGLISH/EAST, .5 TO .6	08/27/14
MULLER, MAGGIE	ENGLISH/EAST, .9 TO 1.0	08/27/14
RICKETTS, TRACY	MATH/ORDEAN EAST, .6 TO .8	08/27/14
Total: 5		
<b><u>CERT RESIGNATION</u></b>	<b><u>POSITION/LOCATION</u></b>	<b><u>EFFECTIVE DATES</u></b>
BURRIS, SARAH	EBD/MACARTHUR	06/27/14
Total: 1		
<b><u>CERTIFIED SUMMER SCHOOL</u></b>	<b><u>POSITION/LOCATION/CONDITION</u></b>	<b><u>EFFECTIVE DATES</u></b>
WENTWORTH, BRYAN	EXCEL/EAST, NOT TO EXCEED 98 HRS	08/04/14 08/21/14
Total: 1		

**CERT TEMP DECREASE**

GORANSON, AMY  
SARGENT, JOAN  
VELNER, TIMOTHY  
Total: 3

**POSITION/LOCATION/CONDITION**

PARENT EDUCATOR/DW/BARNES ECFE, .7 TO .625, CHANGE IN DATES  
SOCIAL WORKER/DW/DENFELD, 1.0 TO .9  
SCIENCE/EAST, 1.0 TO .8

**EFFECTIVE DATES**

08/27/14 06/05/15  
08/21/14 06/12/15  
08/27/14 06/05/15

**NONCERT APPOINTMENT**

CARROLL, MIKILIA  
HANSON, JENAE  
HANSON, NANCY  
MAKI, TIMOTHY  
MEESE, STACEY  
SCHULLER, ANNE  
SWARD, CINDY  
TALBOT, MARK  
Total: 9

**POSITION/LOCATION/WEEKS/RATE OF PAY/REASON**

HELPER/CONGDON, 15/38WKS, \$11.40/HR, REALLOC OF FTE  
LIC ASL INTERPRETER/DW, 31.25/38WKS, \$3.76/HR, REALLOC OF FTE  
FIELD SUPPORT TECH/HOCHS/TECH, 40/52WKS, \$941/WK, D MAGNUSON  
AUTO MECHANIC/TRANSPORATION, 40/52WKS, \$21.38/HR, G OLNESS  
HELPER/MYERS-WILKINS, 15/38WKS, \$10.30/HR, REALLOC OF FTE  
HELPER/DENFELD, 15/38WKS, \$10.30/HR, REALLOC OF FTE  
HELPER/EAST, 16.25/38WKS, \$11.40/HR, REALLOC OF FTE  
HELPER/DENFELD, 15/38WKS, \$10.30/HR, REALLOC OF FTE

**EFFECTIVE DATES**

08/28/14  
08/27/14  
07/01/14  
07/01/14  
08/28/14  
08/28/14  
08/28/14  
08/28/14

**NONCERT EXTENSION**

KNAUSS, SUSAN  
MAKOWSKI, KAREN  
MCCLERNAN, SHARON  
OLSON, DAWN  
PAQUETTE, PATRICIA  
TULLGREN, WENDY  
Total: 6

**POSITION/LOCATION/CONDITION**

OFF SUP SPEC/CHESCRK, NOT TO EXCEED 50 HRS, CHANGE DATE/HRS  
SPECIAL ED PROG PARA/HOCHS, NOT TO EXCEED 74 HRS  
OFF SUP SPEC/WOODLAND HILLS, NOT TO EXCEED 50 HRS, CHG DATE/HRS  
PT PARA/DW, NOT TO EXCEED 25 HRS  
OFF SUP SENIOR/HOCHS, NOT TO EXCEED 120 HRS  
SPECIAL ED PROG PARA/EAST, NOT TO EXCEED 94 HRS

**EFFECTIVE DATES**

06/16/14 07/21/14  
07/18/14 08/21/14  
06/16/14 07/21/14  
08/08/15 08/15/14  
06/30/14 07/18/14  
07/18/14 08/21/14

**NONCERT LEAVES**

NELSON, JESSICA  
SIMONSON, HOLLY  
Total: 2

**POSITION/LOCATION/TYPER OF LEAVE**

BUS DRIVER II/TRANS, 'A' MEDICAL, W/O PAY, CHANGED DATES  
BUS DRIVER II/TRANS, 'A' MEDICAL, W/O PAY, CHANGED DATES

**EFFECTIVE DATES**

05/26/14 08/22/14  
05/26/14 07/21/14

**NONCERT PERM DECREASE**

AUTIO, LIZABETH  
ERICKSON, LIANNE  
GEISSLER, SUSAN  
GILBERT, JENNIFER  
MCDONALD, DENNIS  
MCKOWSKI, KELLIE  
WINKLESKY, DANYEL  
ZOLTEK, LORI  
Total: 8

**POSITION/LOCATION/CONDITION**

HELPER/ORDEAN EAST, .4375 TO .40625  
SATELLITE MGR II/ALC, .45 TO .4375  
SATELLITE MGR I/LOWELL, .90625 TO .875  
SPECIAL ED LPN/PARA/EAST, .84375 TO .8125  
SPECIAL ED BW PARA/DENFELD, .84375 TO .8125  
SATELLITE MGR I/LINCOLN, 1.0 TO .9375  
HELPER/PIEDMONT, .40625 TO .375  
HELPER/MACARTHUR, .40625 TO .375

**EFFECTIVE DATES**

09/02/14  
09/02/14  
09/02/14  
08/27/14  
08/27/14  
09/02/14  
09/02/14  
09/02/14

**NONCERT PERM INCREASE**

ANSETH, BETTY  
BERGUM, DIANE  
BLAIS, JASON  
BOOKER, LINDA  
BRAUN, GARY  
BREWSTER, DONALD  
BUNNELL, EMMA  
CAMPBELL, JAMES  
CHIALASTRI, THERESE  
DESAUTEL, PEGGY  
GUNDERSON, JAMES  
GUNSOLUS, LAURELEI  
HEMBREE, BRADLEY  
HUDACEK, TAMMY  
HUGHES, SCOTT

**POSITION/LOCATION/CONDITION**

SPECIAL ED PROG PARA/MERRITT CREEK ACADEMY, .75 TO .78125  
SPECIAL ED PROG PARA/CHESTER CREEK ACADEMY, .75 TO .78125  
SPECIAL ED PROG PARA/EAST, .78125 TO .8125  
SPECIAL ED PROG PARA/MERRITT CREEK ACADEMY, .75 TO .78125  
SPECIAL ED PROG PARA/EAST, .78125 TO .8125  
HELPER/DENFELD, .40625 TO .4375  
HELPER/LINCOLN, .375 TO .40625  
SPECIAL ED BW PARA/MACARTHUR, .6 TO .78125  
HELPER/MYERS-WILKINS, .375 TO .40625  
HELPER/MYERS-WILKINS, .4375 TO .46875  
SPECIAL ED PROG PARA/EAST, .78125 TO .8125  
SPECIAL ED STUDENT SPECIFIC PARA/EAST, .78125 TO .8125  
SPECIAL ED BW PARA/DENFELD, .78125 TO .8125  
SPECIAL ED PROG PARA/DENFELD, .78125 TO .8125  
SPECIAL ED BW PARA/EAST, .78125 TO .8125

**EFFECTIVE DATES**

08/27/14  
08/27/14  
08/27/14  
08/27/14  
08/27/14  
09/02/14  
09/02/14  
08/27/14  
09/02/14  
09/02/14  
08/27/14  
08/27/14  
08/27/14  
08/27/14  
08/27/14



**NONCERT SUMMER SCHOOL****POSITION/LOCATION/CONDITION****EFFECTIVE DATES**

ANDERSON, KAREN	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
CAMERON, WILLIE	ESY/ASD/DENFELD, NOT TO EXCEED 52 HRS	08/04/14	08/22/14
CAMPBELL, JAMES	ESY/SPECIAL ED PARA/DW, NOT TO EXCEED 29 HRS	07/18/14	08/21/14
CHIALASTRI, THERESE	HELPER/PIEDMONT, 15 HR/WK, \$11.40/HR	07/07/14	08/22/14
COX, PHILLIP	SCHOOL BUS DRIVER II/TRANSPORTATION	06/09/14	07/31/14
DARNELL, LEAH	ESY/SPECIAL ED LPN PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/05/14	08/15/14
FORSETH, MARY	SCHOOL BUS DRIVER II/TRANSPORTATION	07/01/14	07/31/14
FRIGAARD, JERRY	SCHOOL BUS DRIVER II/TRANSPORTATION	06/09/14	07/31/14
GUZZO, JAMES	SCHOOL BUS DRIVER II/TRANSPORTATION	07/01/14	07/31/14
JOHNSON, DOROTHY	BUS HELPER/TRANSPORTATION	07/01/14	07/31/14
KESTI, SHAREN	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
LOWE, JULIE	ESY/SPECIAL ED PARA/DENFELD, NOT TO EXCEED 46 HRS	08/04/14	08/22/14
LUND, SHERRIE	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
MATTHEWS, NANCY	ESY/ASD/DCD/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
MCKEEVER, JUDITH	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
MENDOZA, CRUZ	ESY/SPECIAL ED PARA/DENFELD, NOT TO EXCEED 46 HRS	08/04/14	08/22/14
MILLER, SUSANNA	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
MURRAY, COLLEEN	SCHOOL BUS DRIVER II/TRANSPORTATION	07/01/14	07/31/14
MUSOLF, LESLIE	ESY SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
NACEY, DEIDRA	SCHOOL BUS DRIVER II/TRANSPORATION	07/01/14	07/31/14
NORLAND, SHERRYANN	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
OLEARY, PAULETTE	ESY/SPECIAL ED PARA/DENFELD, NOT TO EXCEED 46 HRS	08/04/14	08/22/14
POWERS, CORRIE	ESY/RN/MACARTHUR, NOT TO EXCEED 36 HRS	08/04/14	08/15/14
RAISANEN, MOLINA	HELPER/MYERS-WILKINS, 12.5 HR/WK, \$11.40/HR, CHANGE IN DATES	06/09/14	08/22/14
RANDA, KATHY	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
ROBINSON, KIM	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
RONINGEN, JUDY	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 24 HRS	08/04/14	08/15/14
ROSETH, RICHARD	ESY/SPECIAL ED PARA/DENFELD, NOT TO EXCEED 46 HRS	08/04/14	08/22/14
SMITH-GOUTERMONT, SHERRIL	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 40 HRS	08/04/14	08/15/14
SUOMALA, TRACY	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
THRO, CATHLEEN	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
VALENTINE, SALLY ANN	HELPER/PIEDMONT, 12.5HRS/WK, \$13.00/HR	07/07/14	07/25/14
WALKER, TAMMY	ESY/SPECIAL ED PARA/MACARTHUR, NOT TO EXCEED 32 HRS	08/04/14	08/15/14
Total: 33			

**NONCERT TEMP INCREASE****POSITION/LOCATION/CONDITION****EFFECTIVE DATES**

FARNHAM, DEBBIE	LATCH KEY SUPV/MACARTHUR, .875 TO 1.0	07/01/14	08/29/14
Total: 1			

## **#4015 – Prohibiting Harassment, and Violence, and Bullying**

### General Statement of Policy

Independent School District 709 (ISD 709) is committed to creating and maintaining a learning and working environment where all individuals are treated with respect and dignity. Every individual has the right to learn/work in an environment free of harassment, and violence ~~and bullying~~.

In this school district, harassment, and violence ~~and bullying~~, whether verbal, physical, or cyber which creates a hostile climate, is unacceptable and will not be tolerated. Harassment, and violence ~~and bullying~~ are unlawful, hurt all people, and have no legitimate educational purpose. Any employee or student who engages in such conduct shall be disciplined as provided by law, District policies, and applicable labor agreements.

Therefore, it is the policy of ISD 709 to maintain a work and learning environment that is free of harassment, and violence ~~and bullying~~ based on sex, sexual orientation, race/ethnicity, religion or religious practices, disability, and other forms of harassment as defined in this policy.

Harassment based on sex, sexual orientation, race/ethnicity, and religious beliefs or practices are also forms of discrimination which violate either Section 703 of Title VII of the Civil Rights Act of 1965, as amended, 42 U.S.C. Section 2000e, et seq. and or the Minnesota Human Rights Act, Minnesota Statute Sections 363.01 – 363.20, and may represent a criminal law violation.

Violence based on sex, sexual orientation, race/ethnicity, religion or disability is a physical act of aggression, intimidation, and/or degradation directed toward a person or group of persons because of their sex, sexual orientation, race/ethnicity, religion or religious practices, or disability.

~~Bullying based on the threat of intentionally hurting another person physically or psychologically or participating in or conspiring with others to engage in acts that injure, degrade, or disgrace other individuals, including, but not limited to the use of technology is prohibited and violates, Minn. Statute Sections 121A.0695.~~

It shall be a violation of this policy for any student or school personnel of ISD 709 to harass a pupil or other school personnel through conduct or communication of a sexual nature or regarding sexual orientation, race/ethnicity, religion, or religious practices, disability, and other forms of harassment as defined by this Policy and Regulation 4015R. (For purposes of this policy, school personnel include: School Board members, administrators, teachers, school employees, agents, volunteers, contractors, or other persons subject to the supervision and control of ISD 709.)

It shall be a violation of this policy for any student or school personnel of ISD 709 to inflict, threaten to inflict, or attempt to inflict violence relating to sex, sexual orientation, race/ethnicity, religion or religious practices, disability, or other forms of violence as defined by this policy upon any pupil or school personnel.

ISD 709 will act with reasonable diligence to take action to investigate, respond, remediate and discipline all complaints, either formal or informal, oral or written of improper actions or statements which may constitute sexual, sexual orientation, ethnic/racial, religious, disability, or other harassment, and violence ~~and bullying~~ as defined in this policy and Regulation 4015R.

Furthermore, ISD 709 intends to provide support for students identified as the victims of these acts in compliance with Minn. Statute Sections 121A.0695.

For more detailed information on this policy, including definitions for terms used in this policy and the reporting procedures for this policy, please see Regulation 4015R.

Adopted: 05/11/82 ISD 709

Revised: 06/10/86  
12/10/91  
10/19/93  
06/20/95  
02/15/00  
09/17/02  
05/21/13  
08/19/14

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## **4015R – Prohibiting Harassment, and Violence, and Bullying**

### **I. HARASSMENT, AND VIOLENCE, AND BULLYING DEFINED**

#### A. Sexual Harassment

**Definition.** Sexual harassment consists of unwelcome sexual attention, unwelcome requests for sexual favors, unwelcome sexually motivated physical conduct, or other unwelcome verbal or physical conduct or communication of a sexual or gender biased nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education, or of transacting business with ISD 709; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, education, or business with ISD 709; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, education, business with ISD 709, or creating an intimidating, hostile, or offensive employment, educational, or business environment.

This policy pertains to students and school personnel. It equally protects male and female students/personnel from harassment, including when males sexually harass males or when females sexually harass females.

Sexual harassment may include but is not limited to the following behaviors:

1. Unwelcome verbal statements of a sexual nature;
2. Intimidation by words or actions of a sexual nature;
3. Unwelcome pressure for sexual activity;
4. Unwelcome sexually motivated or inappropriate touching, patting, pinching, or other physical contact that does not meet the definition of sexual assault; other than necessary restraint of pupil(s) by school personnel to avoid physical harm to persons or property; or
5. Unwelcome sexual behavior or words, including requests for sexual favors, accompanied by implied or overt threats concerning an individual's employment, business, or educational status; or
6. 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, business, or educational status; or
7. Distribution or display of pornographic or other inappropriate written materials, pictures, graffiti, or other graphics of a sexual or gender-based nature; or
8. Unwelcome behavior or words directed at an individual because of gender, or self-identified gender; or
9. Unwelcome behavior or words directed at an individual because of sexual experiences or perceived sexual experiences.

#### B. Sexual Orientation Harassment

**Definition.** Sexual orientation harassment consists of physical or verbal conduct relating to an individual's sexual orientation or perceived sexual orientation when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work, business, or academic performance; or
3. Otherwise adversely affects an individual's employment, business, or academic opportunities.

#### C. Racial/Ethnic Harassment

**Definition.** Racial/ethnic harassment consists of physical or verbal conduct relating to an individual's race or ethnicity when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work, business, or academic performance; or
3. Otherwise adversely affects an individual's employment, business, or academic opportunities.

#### D. Religious Harassment

**Definition.** Religious harassment consists of physical or verbal conduct which is related to an individual's religion or religious practices, when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work, business, or academic performance; or
3. Otherwise adversely affects an individual's employment, business, or academic opportunities.

#### E. Disability Harassment

**Definition.** Disability harassment consists of physical or verbal conduct which is related to an individual's disability when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work, business, or academic performance; or
3. Otherwise adversely affects an individual's employment, business, or academic opportunities.

#### F. Other Forms of Harassment

**Definition.** General harassment is defined as conduct of a derogatory nature directed towards an individual which is usually associated with, but not limited to, an individual's accent or language background, weight, height, status with regard to public assistance,

gender, national origin, association with persons who are subjected to harassment based on the categories identified above, subordinate relationship (in class or on the work site), student to staff relationships, and peer to peer relationships, when the conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;
2. Has the purpose or effect of substantially or unreasonably interfering with an individual's work, business, or academic performance; or
3. Otherwise adversely affects an individual's employment, business, or academic opportunities.

The District reserves the right to investigate any complaint filed under this section on a case-by-case basis.

#### G. Sexual Violence

**Definition.** Sexual violence is any sexual contact without consent. Sexual contact includes, but is not limited to, touching of either party's primary genital area, groin, inner thigh, buttocks, or breast, including the clothing covering these areas, as well as, anal, vaginal, or oral penetration, with a body part or an object. Sexual violence includes contact between members of the same sex.

Consent is verbal active permission from both parties to engage in a particular sexual act without the presence of coercion, intimidation, physical force, or trickery. Consent is only applicable when there is a balance of power. Consent is not affected by a prior social relationship, nor is it contingent upon physical resistance to the act.

#### H. Sexual Orientation Violence

**Definition.** Sexual orientation violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to sexual orientation.

#### I. Racial/Ethnic Violence

**Definition.** Racial/ethnic violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or ethnicity.

#### J. Religious Violence

**Definition.** Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or religious practices.

#### K. Disability Violence

**Definition.** Disability violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, the person's disability.

#### L. Assault

**Definition.** 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.

## **II. RETALIATION**

Retaliatory or intimidating conduct against any individual who has made a harassment or violence complaint or who has testified or assisted in any manner in an investigation is specifically prohibited. ISD 709 will investigate and, if appropriate, discipline or take appropriate action against any students or school personnel who retaliates against any person because the person:

1. Reports sexual, sexual orientation, racial/ethnic, religious, or disability harassment or violence;
2. Testifies, assists, or participates in an investigation or in a proceeding or hearing relating to harassment or violence;
3. Opposes a practice prohibited by this policy; or
4. Associates with people who are specifically protected by this policy. (Based on sex, sexual orientation, race/ethnicity, religion, or religious practices, disability.)

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

## **III. CONFIDENTIALITY**

ISD 709 will respect the confidentiality of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with ISD 709's legal obligations to investigate, to take appropriate disciplinary action, and to comply with any discovery or disclosure obligations, including valid requests for data under the Minnesota Government Data Practices Act.

## **IV. INDIVIDUALS COVERED BY THIS POLICY**

All teachers, teaching assistants, coaches, administrators, contract employees, guest speakers, volunteers, janitorial or cafeteria staff, independent contractors, community members participating in school activities, or any other school personnel, as well as current students are bound by this policy. This policy equally protects male and female students/employees from harassment or violence - including when males harass males or when females harass females.

## **V. FORMAL COMPLAINT PROCEDURES** (In cases of sexual harassment/violence, and sexual orientation harassment/violence, please utilize specific protocol.)

Any person who believes they have been the victim of sexual, sexual orientation, ethnic/racial, religious, and/or disability harassment or violence by a pupil or other school personnel of ISD 709, or any person with knowledge or belief of conduct which may constitute sexual, sexual orientation, ethnic/racial, religious, or disability harassment or violence toward a pupil or other school personnel should report the alleged acts immediately to an appropriate ISD 709 official designated by this policy. Such persons are also encouraged to seek corrective action by telling the individual instigating the harassment to stop. Any third person with knowledge or belief of conduct, which may constitute sexual, sexual orientation, ethnic/racial, religious, or disability harassment or violence should report the alleged acts to an appropriate ISD 709 official as designated by this policy. ISD 709

encourages the reporting party or complainant to use the report form available from the principal of each building or available from the ISD 709 office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Senior Human Resources Manager or to the Superintendent.

A. Form of Complaint. Complaints of harassment will be accepted verbally or in writing. Anonymous complaints will be accepted and investigated to the extent possible. Complaint forms are available in the ISD 709 office, and in each school's principals' and counselors' office. A copy of the form can also be found in the student handbook. A report need not be made on an official form in order for the administration to accept it.

B. Reporting the Complaint.

1. A student, who believes they have been a victim of harassment or violence by any individual covered by this policy, may report the alleged harassing behavior to any school personnel.
2. Any person who believes he or she has been the victim of sexual, sexual orientation, ethnic/racial, or religious harassment or violence by a pupil or school personnel of ISD 709 should report the alleged acts immediately to an appropriate ISD 709 official designated by this policy.
3. ISD 709 encourages the reporting party or complainant:
  - a. Whenever it is a safe or reasonable alternative, to first seek corrective action by telling the individual initiating the harassment to stop.
  - b. To use the report form available from the principal of each building or available from the ISD 709 office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Senior Human Resources Manager or to the Superintendent.
4. The building principal is the person responsible for receiving oral or written reports of harassment or violence under this policy at the building level.
5. Any person with knowledge or belief of conduct which may constitute harassment or violence as defined in this policy should report the alleged acts immediately to an appropriate school district official designated by this policy.
6. Any ISD 709 personnel who receive a report of harassment or violence under this policy is obligated to report the incident in writing to the building principal immediately.
7. If a complainant is uncomfortable bringing the report to the building principal, he or she may report directly to the Senior Human Resources Manager or to the Superintendent.
8. Upon receipt of a complaint involving an ISD 709 personnel, the building principal must notify the Senior Human Resources Manager immediately. The principal may request, but may not insist upon a written complaint. A written statement of the alleged facts will be forwarded as soon as possible by the principal to the Senior Human Resources Manager. If the complaint was given verbally, the principal shall personally reduce the report to written form and file it with the Senior Human Resources Manager within 24 hours. Failure of the principal or other adult ISD 709 personnel to forward any harassment or violence report or complaint as provided herein may result in investigation and disciplinary action as appropriate.
9. If the report involves the building principal, it should be made or filed directly with the Superintendent or the Senior Human Resources Manager.

10. Failure to act on a report involving ISD 709 personnel will result in an investigation and disciplinary action as appropriate.

C. Content of the Report. A report of harassment or violence in violation of this policy shall include the following information, if known:

1. The name of the complainant,
2. A brief description of the offending behavior - including times, places, and names,
3. The name of or identifying information about the alleged perpetrator, and
4. The names or descriptions of any witnesses to the harassment or violence.

D. Processing of Complaints. The designated investigator for each report, whether a member of building administration, a third party, the Senior Human Resources Manager or the Superintendent, is responsible for overseeing the processing of the harassment or violence complaint. The investigator shall conduct an investigation of the charges and attempt to resolve the matter in a timely fashion.

1. Timing. The investigator should make a decision about whether the harassment or violence reported can be substantiated as soon as possible. If the investigation exceeds 30 calendar days, the investigator must report the reason that the investigation has exceeded 30 days to the Senior Human Resources Manager, and the Administrator may take over the investigation. If the Senior Human Resources Manager was the initial investigator, the Senior Human Resources Manager must report the reason that the investigation has exceeded 30 days to the Superintendent, and the Superintendent may take over the investigation. An impartial third party may also be appointed to complete the investigation if the 30 day limit is exceeded.
2. Standard of Proof. In determining whether the alleged conduct can be substantiated, the totality of the circumstances, the nature of the conduct, and the context in which the alleged conduct occurred will be investigated. Allegations of the harassment and violence will be evaluated using a preponderance of the evidence standard - meaning that prior to imposing any sanctions the investigator must conclude that it is more likely than not that the harassment or violence occurred.
3. School District Action. Based on results of the investigation, ISD 709 will take appropriate action. Such action will be taken in accordance with the Pupil Fair Dismissal Act, ISD 709 policies, any applicable Collective Bargaining Agreements, and other Minnesota and federal laws. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge.
4. Release of Data to the Complainant. Consistent with the requirements of the Minnesota Government Data Practices Act, Minnesota Statute Section 13.01 et seq., the results of the School District's investigation will be made available to the complainant. The information provided to the complainant and the timing of the dissemination of information may be significantly limited by the requirements of the Minnesota Government Data Practices Act, and in certain circumstances, by the attorney-client privilege and/or the attorney-work product doctrine.
5. Release of Data to the Subject of the Investigation and Others. The release of data regarding a harassment or violence complaint, including data regarding the resultant investigation and ISD 709 action, shall be governed by the requirements of the Minnesota Government Data Practices Act. In certain circumstances, the Government Data Practices Act may require the classification of the data as private and/or confidential. In certain circumstances, data may also be protected by the attorney-client privilege and/or may constitute attorney-work product.

When allegations of harassment are made against an employee, the employee does not have access to data that would identify the complainant or their witnesses if ISD 709 determines that the employee's access to the data would:

- (1) Threaten the personal safety of the complainant or witness; or
- (2) Subject the complainant or witness to harassment.

If the disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary to prepare for the proceeding.

6. Appeals. Either party involved in the report who is dissatisfied with the investigation or resolution of an allegation of harassment or violence may appeal in writing to the Senior Human Resources Manager or the Superintendent within ten (10) days of receiving written notice of the outcome of the investigation.
7. Submission of a Complaint or Report. Submission of a good faith complaint or report of sexual, sexual orientation, racial/ethnic, religious, or disability harassment or violence by a student or school personnel will not affect the complainant or reporter's future employment, grades, access to educational or school activities or work assignments. ISD 709 does not tolerate retaliation as a result of the submission of a complaint or report.

## **VI. NON EXCLUSIVITY**

The internal procedures and remedies outlined in this policy are not the only options available to a complainant. Participation in the school's procedure is not a prerequisite to pursuing other legal or governmental remedies. In other words, a complainant may use the school's grievance procedure and then, whether they obtain a satisfactory finding or not, may file a suit in court under any applicable federal, state, or local law. He or she also may forego the internal procedure and directly pursue legal or administrative remedies, or may pursue both internal and external remedies simultaneously. External avenues of recourse may include filing charges with the Minnesota Department of Human Rights, the Equal Employment Opportunity Commission, initiating civil action or seeking redress under state criminal statutes and/or federal law.

## **VII. INTENT**

The fact that someone did not intend to harass or commit an act of violence against an individual is generally not considered a defense to a complaint of harassment or violence. In most cases, the effects and characteristics of the behavior determine if that behavior constitutes harassment or violence.

## **VIII. HARASSMENT VIOLENCE ~~AND BULLYING~~ AS ABUSE**

Under certain circumstances, alleged harassment or violence may also be possible abuse under Minnesota law. If so, ISD 709 shall comply with mandatory reporting requirements under Minnesota Statute Section 626.556, Reporting of Maltreatment of Minors and Minn. Statute Sections 121A.0695, Prohibiting Intimidation and Bullying. The statutes can be found on the Internet at <http://www.leg.state.mn.us/>.

Nothing in this policy will prohibit ISD 709 from taking immediate action to protect victims of alleged sexual, sexual orientation, racial/ethnic, religion or religious practices, or disability harassment, violence ~~or bullying~~ as abuse.

## IX. BULLYING

~~Definition: Bullying is intentionally hurting another person or group of people, either physically, psychologically or participating in or conspiring with others to engage in acts that injure, degrade, or disgrace other individuals or groups of people, including, but not limited to the use of technology. Intentionally or knowingly acting in a manner where they should reasonably believe that the other person or group of people will regard the act as offensive or provocative. This includes off-campus or cyber behavior that negatively impacts effective school operations or the right of others to an education or instruction.~~

## X.IX. DISSEMINATION OF POLICY AND TRAINING

This policy will be distributed to all students and volunteers and to all employees, administrators, and independent contractors at the time of entering into the person's employment contract.

- A. This policy, or a summary of this policy, shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members. ISD 709 shall conspicuously post the name of the Senior Human Resources Manager and Harassment and Violence Prevention Specialist Climate Coordinator contact information, including mailing address and telephone number in each ISD 709 school building.
- B. This policy shall be made available in each principal's office and in the ISD 709 Office.
- C. This policy shall appear in the student handbook.
- D. All ISD 709 employees and students who subsequently become part of the educational community shall be informed of this policy during their orientation.

All non-student recipients of this policy, now or in the future, shall be required to sign an acknowledgment form indicating that they have read this policy, understand it, and agree to abide by it.

- E. Each administrator shall be responsible for promoting understanding and acceptance, monitoring of, and compliance with state and federal laws, board policies, and procedures governing harassment and violence in his or her building.
- F. ISD 709 will provide policy training, including discussions of this policy with students and school personnel.
- G. This policy shall be reviewed at least annually for compliance with state and federal law.

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06/20/95

02/15/00

07/16/02

08/20/02

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