

**RED WING PUBLIC SCHOOLS  
BOARD OF EDUCATION POLICY**

**413 HARASSMENT AND VIOLENCE**

Adopted: September 7, 2004

Last Revised: Proposed

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**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, marital status, familial status, status with regard to public assistance, disability, age or sexual orientation, including gender identity and expression.

**II. ALTERNATIVE LANGUAGE VERSION(S)**

This policy is available in language(s) other than English. Alternative language version(s) of this policy are available at:

Office of the Superintendent  
Red Wing Public Schools  
2451 Eagle Ridge Drive  
Red Wing, MN 55066

651-385-4501

**III. GENERAL STATEMENT OF POLICY**

- A. The policy of the school district is to maintain an educational, 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, disability, or sexual orientation, including gender identity and expression.

The learning and working environment includes all academic, extracurricular and school sponsored activities. Sites covered by this policy include but are not limited to indoor and outdoor school facilities, school buses and other school vehicles and field trips. This policy also applies to off-campus conduct that does not occur at school-sponsored activities that will likely cause or does cause disruption of the work and discipline of a school or consists of an expression of intent to harm or cause injury to school students or employees.

- B. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, age, or sexual orientation, including gender identity and expression. For purposes of this policy, school district personnel include school board members, school employees, volunteers, contractors, or persons subject to the supervision and control of the district.
- C. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel or visitors through conduct based on a person's race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, age, or sexual orientation, including gender identity and expression.
- D. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, age, or sexual orientation, including gender identity and expression.
- E. The school district encourages all students and requires all staff to immediately report any incident(s) of harassment prohibited by this policy. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, age, or sexual orientation, including gender identity and expression, and to discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who is found to have violated this policy.
- F. This policy also applies to the misuse of technology, including, but not limited to: conduct prohibited by this policy through email messages, instant messages, text messages, digital pictures or images, or website postings (including blogs or other social media, such as Facebook).

#### IV. 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 is unwelcome conduct that consists of physical or verbal conduct or other conduct that might be physically threatening, harmful or humiliating, conveyed through any means or medium, electronic, written, or otherwise relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, age, or sexual orientation, including gender identity and expression, 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 or by the end of the succeeding work day.
- 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 substantially 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/guardian or parent/guardians or the minor’s legal guardian; or
  - b. the designee of the parent/guardian or parent/guardians or guardian with the written permission of the parent/guardian or parent/guardians 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. “Race” means the fact or condition of belonging to a racial division and the qualities or characteristics associated with this. Race discrimination includes discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race.
6. “Sex” includes, but is not limited to, gender, 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.~~  
“Sexual orientation” means to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.  
  
*[Note: In 2023, the Minnesota legislature revised the definition of ‘sexual orientation’ in the Minnesota Human Rights Act to read as provided here.]*

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 school district personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an

individual's employment or educational status;

- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity and expression.

G. Racial Harassment: Definition

Racial harassment consists of physical or verbal conduct relating to an individual's race 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.
- 4. Racial harassment may include but is not limited to: organized hate activities directed at students or staff, racial jokes, racial epithets scrawled on buildings, textbooks, notebooks, insensitive use of language.

H. Religious Harassment: Definition

Religious harassment consists of physical or verbal conduct which is related to an individual's religion 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.

I. 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.

J. 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, their actual or perceived race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, disability, sexual orientation, including gender identity and expression.

**V. COMPLAINTS, GRIEVANCES, AND REPORTS OF HARASSMENT OR VIOLENCE**

The document "Procedures for Submitting and Resolving Complaints, Grievances, and Reports of Discrimination, Harassment or Violence, Bullying, or Hazing" provides information about reporting complaints, investigation procedures, school district action, appeals, prohibition of retaliation, and right to alternative complaint procedures.

## **VI. 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 school district from taking immediate action to protect targets of alleged harassment, violence or abuse.

## **VII. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be posted on the school district's website.
- B. A summary of this policy shall be included in the school district's student and employee handbooks.
- C. This policy shall be conspicuously posted in the administrative office of each school building in accessible to students and staff members.
- D. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- E. The school district will develop a method of discussing this policy with students and employees.
- F. The school district may implement violence prevention and character development programs to prevent and reduce policy violations. Such programs may offer instruction on character education including, but not limited to, character qualities such as attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- G. 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. § 120B.234 (Child Sexual Abuse Prevention 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)  
*Pullar v. Indep. Sch. Dist. No. 701*, 582 N.W.2d 273 (Minn. Ct. App. 1998)

***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 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
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 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 528 (Student Parent/Guardian, Family, and Marital Status Nondiscrimination)