

POLICY 102 – EQUAL OPPORTUNITY AND PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, ~~AND VIOLENCE~~ AND RETALIATION

I. PURPOSE

The purpose of this policy is to establish and maintain a learning and working environment that ~~affords for~~provides equal educational and employment opportunities and that is free from discrimination, ~~harassment~~, violence or discrimination-retaliation based on actual or perceived race, color, creed, religion, national origin, citizenship/immigration status, sex/gender (including pregnancy), marital status, disability, genetic information, status with regard to public assistance, sexual orientation, gender identity and gender expression, age, familial status, family care leave status or veteran status. It is also to establish that retaliation against individuals who report violations of this policy or participation in investigations related to this policy is prohibited.

II. GENERAL STATEMENT OF POLICY

- A. Equal Opportunity: The policy of the school district is to provide equal educational opportunity for all students seeking to enroll or enrolled in the school district programs/schools and to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of a person's protected status which includes the following: race, color, creed, religion, national origin, citizenship/immigration status, sex (including pregnancy), marital status, disability, genetic information, status with regard to public assistance, sexual orientation, gender identity and gender expression, age, familial status, family care leave status or veteran status ~~race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status~~. The school district also makes reasonable accommodations for disabled persons.
- B. Prohibition Against Discrimination, or Harassment, Violence and/or Retaliation: ~~It will be a violation of this policy for any student or school district employee to engage in any of the following conduct:~~ A violation of this policy occurs when, following a thorough and impartial investigation, a student, employee or third party is found to have engaged in conduct that discriminates against, harasses, subjects another to violence or retaliations against an individual based on that person's actual or perceived status or in the instance of retaliation based on the individual's participation in an investigation. Prohibited conduct includes but is not limited to:
1. Harass~~ing~~ another student or school district employee on the basis of a person's actual or perceived protected legal status;
 2. Inflict~~ing~~, threaten~~ing~~ to inflict or attempting to inflict violence against another student or school district employee on the basis of a person's protected legal status;
 3. Discriminat~~ing~~e against a student or school district employee based on that student's or employee's actual or perceived protected class status.
 4. Engaging in sexual harassment as defined under Procedure 102B.
 5. To the extent consistent with state and federal law, this policy also applies to off-duty or off campus conduct that causes or threatens to cause a substantial and material adverse impact on the work or learning environment or interferes with the rights of employees or students to be free from a hostile environment taking into consideration the totality of the circumstances.
 - 3-6. Retaliating against a student or school district employee based on that individual's report of a potential violation of this policy or participation in an investigation under this policy.
- C. It ~~will be~~is a violation of this policy for any student, district employee or independent contractor to engage in malicious and sadistic conduct ~~involving which includes~~ race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as defined in Minnesota Statutes, chapter 363A against any student, district employee or independent contractor.

1. "Malicious and sadistic conduct" means creating a hostile learning environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.
- D. This policy applies to all of the academic and nonacademic (e.g. athletic, extracurricular, community education) programs of the school district and will be enforced before, during, or after school hours on all school district property, including the school bus, school functions, or events held at other locations. To the extent consistent with state and federal law, this policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at school, or interferes with the rights of students or employees to be free from a hostile school environment taking into consideration the totality of the circumstances on and off campus.
- E. The school district will investigate all complaints of harassment, violence or discrimination whether formal or informal, verbal or written based on a student's or district employee's actual or perceived protected class status.
- F. The school district's investigation procedures will incorporate appropriate due process standards and include, at a minimum, the following:
 1. notice to students, employees, and others of the process for filing a complaint under this policy, including who to contact (title and method of communication) and how to initiate a complaint;
 2. a requirement that all complaints will be promptly, thoroughly, and impartially investigated and decided within reasonable, designated time frames at each stage of the complaint process;
 3. to the extent consistent with state and federal laws, provisions for maintaining the confidentiality of the person who files a complaint;
 4. written or oral notice to the complainant of the disposition of the complaint at each stage of the process;
 5. a fair and equitable appeal process;
 6. a notice that retaliation against a person who files a complaint of discrimination, harassment or violence under this policy, or people who participate in related proceedings, is prohibited;
 7. an assurance that if discrimination, harassment or violence has occurred in violation of this policy, appropriate corrective and remedial actions will be taken; and
 8. a provision that notifies individuals that they may file complaints with other appropriate state and federal agencies.
- G. Retaliation against any individual who reports discrimination, harassment or violence or who participates in an investigation is strictly prohibited. Retaliation includes any adverse action that would discourage a reasonable person from making a report or participating in a process. Examples include but are not limited to intimidation threats, coercion, changes in academic or work assignments, exclusion or other forms of adverse treatment.
- G.H. This policy and applicable procedures only apply to allegations of discrimination, harassment and violence based upon a person's protected legal status under section II. A which include actual or perceived race, color, creed, religion, national origin, sex/gender, marital status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status.

III. VIOLATION OF POLICY

The school district will discipline or take appropriate action against any student, ~~or~~ school district employee or third party who is found to have violated this policy. Appropriate administrative and staff follow-up will be provided for targets and offenders of harassment, violence and discrimination.

IV. TRAINING AND EDUCATION

The school district will implement discrimination/harassment/violence prevention and character development education programs to prevent and reduce policy violations.

This policy must be conspicuously posted throughout each school building, distributed to each employee and independent contractor at the time of hiring or contracting, and a process for communicating this policy with students, employees and independent contractors.

Revised:

Revised: 11/21/2023

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Revised: 4/17/2018

Revised: 1/24/12

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Policy 413 Adopted: 2/2/99 (formerly Policy 4153 & 4253)

Revised: 2/1/94

Revised: 4/3/90

Adopted: 8/20/85

Cross Reference:

Policy 414 – Mandated Reporting of Child Neglect or Physical or Sexual Abuse

Policy 506 – Student Discipline

Legal Reference:

M.S. 121A.0312

M.S. 121A.03, subd. 2

M.S. 363A

M.S. 609.341-609.345

M.S. 609.321-609.324

M.S. 617.246

M.S. 626.556