



EQUAL EMPLOYMENT OPPORTUNITY

POLICY:	401
ADOPTED:	04/16/01
REVISED:	06/26/23

I. Purpose

The purpose of this policy is to provide equal employment opportunity for all applicants for school district employment and for all school district employees in accordance with all applicable Equal Employment Opportunity laws, directives and regulations of federal, state and local governing bodies or agencies thereof, specifically Minnesota Statutes ~~chapter~~ [Ch. 363A](#) (Minnesota Human Rights Act).

II. General Statement of Policy

- A. The policy of the school district is to provide equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of [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.](#) ~~race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation including gender identity or and expression, membership or activity in a local commission, family care leave status, or veteran status.~~ The school district also makes reasonable accommodations for employees with [disabilities.](#) ~~disabled employees.~~
- B. The school district prohibits [the harassment of any individual for any of the categories listed above.](#) ~~any form of religious, racial or sexual harassment and violence.~~ For information about the types of conduct that constitute impermissible harassment and the school district's internal procedures for addressing complaints of harassment, please refer to the school district's policy [413 Harassment and Violence.](#) ~~on harassment and violence.~~
- C. This policy applies to all areas of employment practices including hiring, discharge, promotion, compensation, facilities, or privileges of employment.
- D. It is the responsibility of every school district employee to follow this policy. Any school district employee who does not comply with this policy will be subject to disciplinary action.
- E. Any person having any questions regarding this policy, or who believes they have been discriminated against in violation of this policy, should discuss it with the Superintendent or their designee.

- F. The Superintendent hereby designates the Director of Special Services, Abel Riodique, 2990 80th Street East, Inver Grove Heights, Minnesota, 651-306-7828, riodiquea@isd199.org as its Section 504 Coordinator.

- G. The Superintendent hereby designates the Director of Human Resources, Emily Herman, 2990 80th Street East, Inver Grove Heights, Minnesota, 651-306-7805, hermane@isd199.org as its Human Rights Officer.

Legal References: Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
29 U.S.C. § 621 *et seq.* (Age Discrimination in Employment Act)
29 U.S.C. § 2615 (Family and Medical Leave Act)
38 U.S.C. § 4211 *et seq.* (Employment and Training of Veterans)
38 U.S.C. § 4301 *et seq.* (Employment and Reemployment Rights of Members of the Uniformed Services)
42 U.S.C. § 2000 *et seq.* (Equal Employment Opportunities; Title VII of the Civil Rights Act)
42 U.S.C. § 12101 *et seq.* (Equal Opportunity for Individuals with Disabilities)

Cross References: MSBA/MASA Policy 405 - Veteran's Preference - Hiring
Policy 402 - Disability Nondiscrimination
Policy 413 - Harassment and Violence
[Link to ISD 199 Grievance Form](#)



**DISCIPLINE, SUSPENSION, AND DISMISSAL
OF SCHOOL DISTRICT EMPLOYEES**

POLICY:	403
ADOPTED:	04/16/01
REVISED:	12/12/22

I. Purpose

The purpose of this policy is to achieve the effective operation of the school district's programs through the cooperation of all employees under a system of policies and rules applied fairly and uniformly.

II. General Statement of Policy

The disciplinary process described herein is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a manner, otherwise, is solely within the discretion of the school district.

III. Discipline

A. Violation of School Laws and Rules.

The form of discipline imposed for violations of school laws and rules may vary from an oral reprimand to termination of employment or discharge. Some factors used to determine the form of discipline imposed may include, but are not limited to, the nature of the violation, whether the violation was intentional, knowing and/or willful and whether the employee has been the subject of prior disciplinary action of the same or a different nature. School laws and rules to which this provision applies include, but are not limited to:

1. policies and rules of the school district;
2. directives and/or job requirements imposed by administration and/or the employee's supervisor; and
3. federal, state and local laws, rules and regulations, including, but not limited to, the rules and regulations adopted by federal and state agencies.

B. Substandard Performance.

An employee's substandard performance may result in the imposition of discipline ranging from an oral reprimand to termination of employment or discharge. In most instances, discipline imposed for the reason of substandard performance will follow a progressive format and will be accompanied by

guidance, help and encouragement to improve from the employee's supervisor and reasonable time for correction of the employee's deficiency.

C. Misconduct.

Misconduct of an employee will result in the imposition of discipline consistent with the seriousness of the misconduct. Conduct which falls into this category includes, but is not limited to:

1. unprofessional conduct;
2. failure to observe rules, regulations, policies and standards of the school district and/or directives and orders of supervisors and any other act of an insubordinate nature;
3. continuing neglect of duties in spite of oral warnings, written warnings and/or other forms of discipline;
4. personal and/or immoral misconduct;
5. inappropriate use of technology;
6. possession or use of illegal drugs, alcohol or any other chemical substance on the job, being under the influence while on the job, or any use off the job which impacts on the employee's job performance;
7. deliberate and serious violation of the rights and freedoms of other employees, students, parents, or other persons in the school community;
8. activities of a criminal nature relating to the fitness or effectiveness of the employee to perform the duties of the position;
9. failure to follow the standards of professional and personal ethics;
10. falsification of credentials and experience;
11. unauthorized destruction of school district property;
12. other good and sufficient grounds relating to any other act constituting inappropriate conduct;
13. neglect of duty;
14. violation of the rights of others as provided by federal and state laws related to human rights.

D. Willful or Negligent Intentional Behavior

Employees must exercise sound judgment and uphold their duty of care. Willful, negligent, or intentionally harmful actions, including neglect of duties or

malicious behavior, may result in disciplinary action up to and including termination.

IV. Forms of Discipline

- A. The forms of discipline that may be imposed by the school district include, but are not limited to verbal or written warning; oral reprimand; written reprimand; disciplinary suspension, demotion or leave of absence without pay; and dismissal/termination or discharge from employment.
- B. Other forms of discipline, including any combination of the forms described in paragraph A., above, may be imposed if, in the judgment of the administration, another form of discipline will better accomplish the school district's objective of stopping or correcting the offending conduct and improving the employee's performance.
- C. The school district retains the right to immediately discipline, terminate or discharge an employee as appropriate, subject to relevant governing law and collective bargaining agreements when applicable.

Legal References: Minn. Stat. 122A.40 (Employment; Contracts; Termination)
Minn. Stat. 122A.41 (Teacher Tenure Act; Cities of the First Class)
Minn. Stat. 122A.44 (Contracting with Teachers; Substitute Teachers)
Minn. Stat. 122A.58 (Coaches; Termination of Duties)
Minn. Stat. 123B.02, Subd. 14 (General Powers of Independent School District)
Minn. Stat. 123B.143 (Superintendent)
Minn. Stat. 123B.147 (Principals)
Minn. Stat. 197.46 et. seq. (Veterans Preference Act)

Cross References: None



HARASSMENT AND VIOLENCE

POLICY:	413
ADOPTED:	04/16/01
REVISED:	09/25/23

I. Purpose

The purpose of this policy is to maintain an education and work environment free from harassment and violence on the basis of 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. ~~race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation or disability~~ (Protected Class).

II. General Statement of Policy

- A. The policy of the school district is to maintain a learning and working environment free from harassment and violence on the basis of Protected Class. The school district prohibits any form of harassment or violence on the basis of Protected Class.
- B. A violation of this policy occurs when any student, teacher, administrator or other school personnel of the school district harasses a student, teacher, administrator or other school personnel or group of students, teachers, administrators, or other school personnel through conduct or communication based on a person's Protected Class as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, 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 personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator or other school personnel or group of students, teachers, administrators, or other school personnel based on a person's Protected Class.
- D. 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 Protected Class, and to discipline or take appropriate action against any student, teacher, administrator or other school personnel who is found to have violated this policy.
- E. It is the responsibility of every school district employee and student to comply with this policy.

III. District Reporting

Any person who believes they have been the victim of harassment or violence on the

basis of Protected Class by a student, teacher, administrator or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this toward a student, teacher, administrator or other school personnel or group of students, teachers, administrators, or other school district officials designated by this policy.

A person may report conduct that may constitute harassment or violence anonymously. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.

The school district encourages the reporting party or complainant to use the grievance procedure and form available in the appendices of this policy. Oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.

- A. The Superintendent hereby designates the Director of Human Resources, Emily Herman, 2990 80th Street East, Inver Grove Heights, Minnesota, 651-306-7805, hermane@isd199.org as its human rights officer. The human rights officer is to receive reports or complaints of harassment or violence prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.
- B. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- C. 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, or work assignments.
- D. False accusations or reports of harassment or violence against another person are prohibited.
- E. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.
- F. A person who engages in an act of violence or harassment, reprisal, retaliation, or false reporting of violence or harassment, or permits, condones, or tolerates violence or harassment shall be subject to discipline or other remedial responses for that act in accordance with the school district's policies and procedures.
- G. Consequences for students who commit, or are a party to, prohibited acts of violence or harassment 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.

- H. Consequences for employees who permit, condone, or tolerate violence or harassment 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.
- I. Use of formal reporting forms is not mandatory.
- J. The school district's grievance procedure and form for complaints of discrimination, harassment, violence and other offensive behavior can be found in Appendix I and Appendix II of this policy. Harassment and violence definitions can be found in Appendix III.

IV. School Building Reporting

- A. The building principal, the principal's designee, or the building supervisor (hereinafter the building report taker) is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy at the building level. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building report taker immediately. If the complaint involves the building report taker, the complaint shall be made or filed directly with the superintendent or the school district human rights officer by the reporting party or complainant. School district personnel who fail to inform the building report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.
 - 1. The building report taker 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.
 - 2. A teacher, school administrator, volunteer, contractor, or other school employee 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 building report taker immediately. School district personnel who fail to inform the building report taker 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.
 - 3. Upon receipt of a report, the building report taker must notify the school district human rights officer immediately, without screening or investigating the report. The building report taker 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 building report taker to the human rights officer. If the report was given verbally, the building report taker shall personally reduce it to written form within 24

hours and forward it to the human rights officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the building report taker.

V. Basic Requirements for Grievance Process

A. Equitable Treatment

1. The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required.
2. The school district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible.
3. The school district will provide appropriate remedies to the complainant any time a respondent is found responsible.

B. Objective and Unbiased Evaluation of Complaints

1. If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation or recusal from the process the person for whom a conflict or potential conflict of interest exists.
2. Throughout the grievance process, the human rights officer will objectively evaluate all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based solely on a person's status as a complainant, respondent, or witness.

C. The human rights officer will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

D. Confidentiality

The school district will keep confidential the identity of any individual who has made a report or complaint of harassment and violence, including any individual who has made a report or filed a formal complaint of harassment and violence, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g, or FERPA's regulations, and State law under Minn. Stat. § 13.32 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder

(i.e., the school district's obligation to maintain confidentiality shall not impair or otherwise affect the complainants and respondents receipt of the information to which they are entitled with respect to the investigative record and determination of responsibility).

E. Right to an Advisor; Right to a Support Person

Complainants and respondents have the right, at their own expense, to be assisted by an advisor of their choice during all stages of any grievance proceeding, including all meetings and investigative interviews. The advisor may be, but is not required to be, an attorney. In general, an advisor is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

A complainant or respondent with a disability may be assisted by a support person throughout the grievance process, including all meetings and investigative interviews, if such accommodation is necessary. A support person may be a friend, family member, or any individual who is not otherwise a potential witness. The support person is not permitted to speak for or on behalf of a complainant or respondent, appear in lieu of complainant or respondent, participate as a witness, or participate directly in any other manner during any phase of the grievance process.

F. Notice

The school district will send written notice of any investigative interviews or meetings to any party whose participation is invited or expected. The written notice will include the date, time, location, participants, and purpose of the meeting or interview, and will be provided to allow sufficient time for the party to prepare to participate.

G. Consolidation

The school district may, in its discretion, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of harassment and violence arise out of the same facts or circumstances.

H. Evidence

1. During the grievance process, the school district will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
2. The school district shall not access, consider, disclose, or otherwise use a

party's medical, psychological, and similar treatment records unless the school district obtains the party's voluntary, written consent.

I. Burden of Proof

1. The burden of gathering evidence and the burden of proof shall remain upon the school district and not upon the parties.
2. The grievance process shall use a preponderance of the evidence standard (i.e. whether it is more likely than not that the respondent engaged in sexual harassment) for all formal complaints of harassment and violence, including when school district employees are respondents.

VI. Reporting a Grievance

Further information on reporting a grievance can be found in the district's grievance procedures and grievance process contained in Appendix I and Appendix II of this policy, including how to report or file a complaint of harassment and violence, how to report or file a formal complaint of harassment and violence, and how the school district will respond.

VII. 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 Minnesota Statutes Chapter 260E may be applicable.
- B. Nothing in this policy will prohibit the school district from taking immediate action to protect victims of alleged harassment, violence or abuse.

VIII. Dissemination of Policy and Evaluation

- A. This policy shall be made available to all students, employees, parents and/or guardians of students, and employee unions.
- B. The school district shall review this policy and the school district's operation for compliance with state and federal laws prohibiting harassment and violence on a continuous basis.
- C. The school district shall conspicuously post the name of the human rights officer, including office address, telephone number, and work email address on its website and in each handbook that it makes available to parents, employees, students, unions, or applicants.
- D. This policy shall be conspicuously posted throughout each school building in areas accessible to students and employees.
- E. This policy shall be given to each school district employee and independent

contractor at the time of entering into the person's employment contract.

- F. This policy shall appear in the student handbook.
- G. The school district will develop a method of discussing this policy with students and employees.
- H. The school district 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 respect for others, value of leadership guidance, attentiveness, truthfulness, diligence, gratefulness, self-discipline, patience, forgiveness, peacemaking, resourcefulness and/or sexual abuse prevention.
- I. This policy shall be reviewed at least annually for compliance with state and federal law.

X. Recordkeeping

The school district must create, and maintain for a period of seven calendar years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of harassment and violence.

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. Ch. 260E (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 (Section 504 of the Rehabilitation Act of 1973)
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)
Puller v. Indep. Sch. Dist. No. 701, 528 N.W.2d 273 (Minn. Ct. App. 1998)

Cross References: Policy 102 – Equal Educational Opportunity
Policy 401 – Equal Employment Opportunity
Policy 402 – Disability Nondiscrimination Policy
Policy 403 – Discipline, Suspension and Dismissal of School District

Employees

Policy 406 – Public and Private Data

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

Policy 415 – Mandated Reporting of Maltreatment of Vulnerable Adults

Policy 424 – Employee Electronic Technologies Acceptable Use

Policy 506 – Student Discipline

Policy 514 – Bullying Prohibition Policy

Policy 515 – Protection and Privacy of Student Records

Policy 521 – Student Disability Nondiscrimination

Policy 522 – Title IX Sex Nondiscrimination, Grievance Procedure and Process

Policy 524 – Student Electronic Technologies Acceptable Use

Policy 526 – Hazing Prohibition

Policy 528 – Student Parental, Family, and Marital Status Nondiscrimination

Appendix I

GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION, HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR

ISD 199 prohibits discrimination, harassment, violence and other offensive behavior by or toward a student, school district personnel, or third party that occurs on any property owned or controlled by District or in connection with any activity sponsored by or associated with District. District environments covered include academic, extra-curricular, and co-curricular environments with an approved District association.

The school district shall treat complainants and respondents equitably. However, equality or parity with respect to supportive measures provided to complainants and respondents is not required. The district will not impose any disciplinary sanctions or take any other actions against a respondent that do not constitute supportive measures until it has completed this grievance process and the respondent has been found responsible. The district will provide appropriate remedies to the complainant any time a respondent is found responsible.

I. Reporting a Grievance

- A. Any person who believes they have been the victim of unlawful sex discrimination or sexual harassment, or any person (including the parent of a student) with actual knowledge of conduct which may constitute unlawful sex discrimination or sexual harassment toward a student should report the alleged acts as soon as possible to an appropriate school district official designated by Policy 522 Title IX Sex Nondiscrimination. The complaint must be filed within 90 calendar days of the alleged violation.
- B. Any employee of the school district who has experienced, has actual knowledge of, or has witnessed unlawful sex discrimination, including sexual harassment, or who otherwise becomes aware of unlawful sex discrimination, including sexual harassment, must promptly report the allegations to the Title IX Coordinator without screening or investigating the report or allegations.
- C. The Human Rights Officer is responsible for receiving oral or written complaints of unlawful discrimination toward an employee or student. However, nothing in this procedure shall prevent any person from reporting unlawful discrimination toward an employee or student directly with the Human Rights Officer, the school board, or other school district official.
- D. The school board hereby designates Director of Human Resources, Emily Herman, 2990 80th Street East, Inver Grove Heights, 651-306-7805, hermane@isd199.org as the school district Human Rights Officer to receive reports, complaints, or grievances of unlawful discrimination. If the complaint involves a Human Rights Officer, the complaint shall be filed directly with the Superintendent.

- E. Upon receipt of a complaint, the Human Rights Officer shall immediately notify the Superintendent. If the Superintendent is the subject of the complaint, the Human Rights Officer shall immediately notify the school board.
- F. The Human Rights Officer may request a written complaint. Alternative means of filing a complaint, such as through a personal interview or by tape recording, shall be made available upon request for qualified persons with a disability. If the complaint is oral, it shall be reduced to writing within 24 hours and forwarded to the Superintendent. Failure to do so may result in disciplinary action. The school district encourages the reporting party to complete the complaint form for written complaints. It is available from the principal of each building or the school district office.
- G. The school district shall respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses, consistent with the school district's legal obligations to investigate, take appropriate action, and comply with any discovery or disclosure obligations.

II. Responsible Administrators

Any prohibited conduct should be reported to the appropriate responsible administrator as outlined below.

- A. Students. A student who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
 - 2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.
- B. School District Personnel members. A school district personnel member who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
 - 2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.

- i. If the alleged offender is the Superintendent or a member of the Board of Education, the conduct should be reported to the Chair of the Board of Education.
 - ii. If the alleged offender is the Chair of the Board of Education, the conduct should be reported to the Vice-Chair.
- C. Third Parties. A third party who is the target of alleged prohibited conduct should make a complaint as follows:
 - 1. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Superintendent or Superintendent's designee.
 - 2. If the alleged offender is a school district personnel member or third party, the conduct should be reported to the school principal. An alternative option is to report the conduct to the Director of Human Resources.

Responsible administrators who receive complaints of alleged prohibited conduct must document all complaints using District provided report forms, which can be obtained from the school principal, the District office, or on the District's website.

Nothing in this procedure prevents any individual from reporting alleged prohibited conduct directly to the Superintendent or from using alternative District policies or procedures. For example, employees and students may report sex discrimination to the District's Title IX Coordinator. In addition, to the extent permitted by the agencies, individuals may file complaints with outside agencies including the Minnesota Department of Human Rights, the U.S. Department of Education Office of Civil Rights (Region V), and the Equal Employment Opportunity Commission.

III. Investigation of a Grievance

- A. The Human Rights Officer, upon receipt of a complaint alleging unlawful discrimination, shall promptly undertake an investigation if deemed appropriate. The investigation may be conducted by the Title IX coordinator for complaints of sex discrimination or the Section 504 Coordinator for complaints of disability discrimination, or a school district official or neutral third party designated by the Title IX coordinator, Section 504 coordinator or Human Rights Officer. The investigation shall be completed within 30 days of the complaint, unless impracticable.
- B. The investigation may consist of personal interviews with 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 other methods deemed pertinent by the investigator.

- C. In determining whether the alleged conduct constitutes a violation of this policy, the school district shall consider the facts and the surrounding circumstances such as the nature of the behavior, past incidents or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incident occurred.
- D. The school district may take immediate steps to protect the parties involved in the complaint process, pending completion of an investigation of alleged unlawful discrimination.
- E. The individual accused 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 as soon as practicable. Upon completion of the investigation, the school district investigator shall make a written report to the Human Rights Officer. If the complaint involves the Human Rights Officer, the report may be filed directly with the Superintendent or school board. The report shall include the facts, a determination of whether the allegations have been substantiated, whether a violation of this policy has occurred as well as a description of any proposed resolution which may include alternative dispute resolution.
- G. The district shall comply with federal and state law pertaining to retention of records.

IV. Appeal Process

If the grievance has not been resolved to the satisfaction of the complainant, the complainant may appeal to the Human Rights Officer within ten (10) school days of receipt of the findings of the school district investigation. The school district investigator shall conduct a review of the appeal and within ten (10) school days of receipt of the appeal, shall affirm, reverse, or modify the findings of the report. The decision of the school district investigator is final but does not preclude pursuit of alternative complaint procedures noted in the section entitled "Right to Alternative Complaint Procedures."

V. School District Action

- A. Upon conclusion of the investigation and receipt of the findings, the school district shall take appropriate action. If it is determined that a violation has occurred, such action may include, but is not limited to, restorative practices, remediation, warning, suspension, expulsion, transfer or termination. School district action taken for violation of this policy shall be consistent with the requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures shall be reported in writing to the complainant by the school

district in accordance with state and federal law regarding data or records privacy.

- C. In order to prevent or respond to acts of harassment or violence committed by or directed against a child with a disability, the school district 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.

VI. Retaliation

The school district shall take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged unlawful discrimination toward an employee or student or any person who testifies, assists or participates in an investigation or hearing relating to such unlawful discrimination. Retaliation includes, but is not limited to, any form of intimidation or harassment.

VII. Conflict of Interest

If there is a conflict of interest with respect to any party affected by this policy, appropriate action shall be taken such as, but not limited to, appointing or contracting with a neutral third party investigator to conduct the investigation or recusal from the process the person for whom a conflict or potential conflict of interest exists.

VIII. Dissemination of Procedures

The school district shall adopt and publish these procedures on the district's website.

IX. District Grievance Contacts

Title IX Coordinator/Section 504 Coordinator

Director of Special Services, Abel Riodique
2990 80th Street East
Inver Grove Heights, Minnesota 55076
651-306-7828
riodiquea@isd199.org

Title IX Alternative Coordinator

Activities Director, Will Short
2920 80th Street East
Inver Grove Heights, Minnesota 55076
651-306-7002
shortw@isd199.org

Section 504 Alternative Coordinator

Assistant Director of Special Education, Kris Hillesheim

2990 80th Street East
Inver Grove Heights, MN 55076
651-306-7826
hillesheimk@isd199.org

Human Rights Officer &
For Complaints of Employment Discrimination:
Director of Human Resources, Michele Carroll
2990 80th Street East, Inver Grove Heights, MN 55076
651-306-7805
carrollm@isd199.org

X. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse, which may include filing charges with the agencies listed below or initiating action in state or federal court.

Claims of discrimination may also be pursued through the following agencies where appropriate:

U.S. Department of Education
Office for Civil Rights, Region V
500 W. Madison Street – Suite 1475
Chicago, IL 60661
Tel: 312-730-1560
TDD: 312-730-1609

MN Department of Human Rights
190 E 5th Street
St. Paul, MN 55101
800.657.3704
651.296.5663
TDD 651.296.1283

For complaints of employment discrimination:
Equal Employment Opportunity Commission
330 S. 2nd Avenue
Suite 430
Minneapolis, MN 55401
800.669.4000
612.335.4040
TDD 612.335.4045

This is general information and is not to be a substitute for legal advice. Changes in the law, including timelines for filing a complaint, may affect your rights.

Appendix II

GENERAL STATEMENT OF POLICY PROHIBITING UNLAWFUL DISCRIMINATION, HARASSMENT, VIOLENCE AND OTHER OFFENSIVE BEHAVIOR GRIEVANCE FORM

Independent School District 199 maintains a firm policy prohibiting all forms of unlawful discrimination, harassment, violence and all other offensive behavior. All persons are to be treated with respect and dignity. The school district shall treat complainants and respondents equitably. Discrimination, harassment, violence or other offensive behavior by any student, teacher, administrator or other school personnel that creates an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant:	
Home Address:	
Work Address:	
Home/Cell/Work Phone:	
Date of Alleged Incident(s):	
Name of person you believe harassed, discriminated or was violent toward you or another individual on the basis of protected class:	
If the alleged harassment, discrimination or violence was toward another person, identify that person:	
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, has discriminated or has been violent toward me or another person. 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. I understand that the information provided in this complaint will be used consistent with School District policies.

<i>Complainant Signature:</i>	<i>Date:</i>
<i>Received By:</i>	<i>Date:</i>

For more information contact the district's Title IX Coordinator:

*Abel Riodique, Director of Special Services,
2990 80th Street East Inver Grove Heights, MN 55076
Email: riodiquea@isd199.org
Phone: 651-306-7828*

Or

*Human Rights Officer:
Michele Carroll, Director of Human Resources
2990 80th Street East Inver Grove Heights, MN 55076
Email: carrollm@isd199.org
Phone: 651-306-7805*

Appendix III

HARASSMENT AND VIOLENCE 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 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, marital status, status with regard to public assistance, disability, sexual orientation, including gender identity or expression, age, family care leave status, or veteran status ~~race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, including gender identity or expression, 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. "Disability" means, with respect to an individual who
 - a. has a physical sensory, or mental impairment that materially limits one or more major life activities of such individual;
 - b. has a record of such an impairment;
 - c. is regarded as having such an impairment; or

- d. has an impairment that is episodic or in remission and would materially limit a major life activity when active.
2. “Familial status” means the condition of one or more minors having legal status or custody with: :
 - a. the minor’s parent or parents or the minor’s legal guardian; or guardians; or
 - b. the designee of the parent or parents or guardian or guardians with the written permission of the parent or parents or guardian or guardians. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions. The protections afforded against harassment or discrimination 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 or discrimination 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 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.
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. “Gender identity” refers to a person’s deeply held sense or knowledge of their own gender. “Gender expression” refers to the manner in which persons represent or express gender to others.
8. “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.

E. Sexual Harassment; Definition

1. Sexual harassment includes 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 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 sexual orientation, including gender identity or expression.

F. Sexual Violence; Definition

1. Sexual violence is a physical act of aggression or force or the threat thereof that 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;
 - 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.

G. 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 an individual's Protected Class.

