

Policy Committee Meeting

Monday, August 9, 2021 3:00 PM

Tate Hall Conference Room, 615 Olof Hanson Drive, Faribault, MN 55021

1. **Call to Order**

2. **Meeting Minutes Review**

3. **Policies to Review from MSBA**

A. Review MSBA/MSA Policies Comparison Chart

B. Discuss Plan for Policy Committee Work for
2021-2022

4. **Policies to Review for a Second Reading**

5. **Policies to Review to be Revised**

6. **Policies to Review Prior to a First Reading**

7. **Policies to review for Reauthorization**

A. 431.1 - Sexual Harassment and Violence

B. 418 - Drug Free Workplace/Drug Free School

C. 445 - Respectful Workplace

8. **Adjourn**

Minnesota State Academies
MSBA and MSA Policies – Comparison Chart
8/4/2021

Series	MSBA	MSA	Title	Date of Policy	Mandatory Review Date	Notes:
100	SCHOOL DISTRICT					
	101	N/A	Legal Status of the School District	N/A	N/A	Defined in Statute
	101.1	N/A	Name of the School District	N/A	N/A	Defined in Statute
	102*	102*	Equal Education Opportunity	02-24-2021	02-24-2024	
	103	N/A	Complaints – Students, Employees, Parents, Other Persons	N/A	N/A	Covered in Parent-Student Handbook
	104	104	Vision, Mission, and Guiding Beliefs	09-16-2020	09-16-2023	
		110	Educational Excellence and Equity	02-24-2021	02-24-2024	
		120	MSA Website and Social Media Accessibility	12-16-2020	12-16-2023	
		121	Communication, Language, and Accessibility	06-27-2019	06-27-2022	
200	BOARD OF DIRECTORS					
	201	N/A	Legal Status of the School Board	N/A	N/A	Defined in Statute
	202	202	MSA Board Officers and Meetings	04-25-2019	04-25-2022	
	203	N/A	Operation of the School Board – Governing Rules	N/A	N/A	In MSA Policy 202
	203.1	N/A	School Board Procedures; Rules of Order	N/A	N/A	In MSA Policy 202
	203.2	N/A	Order of the Regular School Board Meeting	N/A	N/A	In MSA Policy 202
	203.5	N/A	School Board Meeting Agenda	N/A	N/A	In MSA Policy 202
	203.6	N/A	Consent Agendas	N/A	N/A	In MSA Policy 202
	204	N/A	School Board Meeting Minutes	N/A	N/A	In MSA Policy 202
	205	N/A	Open Meetings and Closed Meetings	N/A	N/A	In MSA Policy 202

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	206	N/A	Public Participation in School Board Meetings/Complaints about Persons at School Board meetings, and Data Privacy Considerations	N/A	N/A	In MSA Policy 202
	207	N/A	Public Hearings	N/A	N/A	In MSA Policy 202
	208	208	Development, Adoption, and Implementation of Policies	06-02-2021	06-02-2024	
	209	209 (A&B)	MSA Board Code of Conduct	04-25-2019	04-25-2022	
	210	210	Conflict of Interest – School Board Members	04-25-2019	04-25-2022	
	210.1	N/A	Conflict of Interest – Charter School Board Members	N/A	N/A	Not Applicable
	211	211	Criminal or Civil Action against MSA, School Board Member, Employee, or Student	02-24-2021	02-24-2024	
	212	212	School Board Member Development	09-16-2020	09-16-2023	
	213	213	MSA Board Committees	12-16-2020	12-16-2023	
	214*	214*	Out-of-State Travel by School Board Members	06-02-2021	06-02-2024	
300	ADMINISTRATION					
	301	N/A	School District Administration	N/A	N/A	Reviewed 12/16/2019. Not needed
	302	302	Role of the Academies Administrator (Superintendent)	09-16-2020	09-16-2023	
	303	303	Academies Administrator (Superintendent) Selection			Needs Research
	304*	304	Academies Administrator (Superintendent) Appointment, Duties, and Evaluation	01-24-2019	01-24-2022	
	305	N/A	Policy Implementation	N/A	N/A	Covered in Policy #208
	306	N/A	Administrator Code of Ethics	N/A	N/A	Covered by MMB Code of Ethics & Policy 455
400	PERSONNEL					
	401*	401*	Equal Employment Opportunity	06-02-2021	06-02-2024	
	402*	402*	Disability Non-Discrimination	01-24-2019	01-24-2022	

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	403	N/A	Discipline, Suspension, and Dismissal of School District Employees	N/A	N/A	Covered in Union Contracts
	404*	404 (A)	Employment Background Checks	4-21-2021	04-21-2024	
	405	N/A	Veterans' Preference	N/A	N/A	Covered in Union Contracts
	406*	406 (A)	Data Protection for Human Resource Systems	01-24-2019	01-24-2022	MSA follows MMB's Policy
	407	N/A	Employee Right to Know – Exposure to Hazardous Substances	N/A	N/A	Not Required – covered during Orientation
	408	N/A	Subpoena of a School District Employee	N/A	N/A	Not Required – Covered by Attorney General Office
	409	409	Employee Publications, Instructional Materials, Inventions, and Creations	01-20-2021	01-20-2024	
	410*	410* (A)	Family and Medical Leave (FMLA)	06-02-2021	Annual Review	MSA follows MMB's Policy
	412*	412* (A)	Expense Reimbursement	04-21-2021	04-21-2024	MSA follows MMB's Policy
	413*	413* (A)	Harassment and Violence	06-02-2021	Annual Review	
Aug		413.1 (A)	Sexual Harassment and Violence	08-23-2018	8-23-2021	MSA follows MMB's Policy
	414	414	Mandated Reporting of Child Neglect or Physical or Sexual Abuse	06-02-2021	Annual Review	
	415	415	Mandated Reporting of Maltreatment of Vulnerable Adults	06-02-2021	Annual Review	
	416	?	Drug and Alcohol Testing	?	?	To be investigated
	417*	417*	Chemical Use and Abuse	02-28-2019	02-28-2022	
Aug	418*	418*	Drug Free Workplace/Drug Free School	08-23-2018	08-23-2021	
		418.1 (A)	Alcohol and Other Drug Use by State Employees	01-24-2019	01-24-2022	MSA follows MMB's Policy
	419*	419*	Tobacco-Free Environment	02-24-2021	02-24-2024	

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	420	N/A	Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions	N/A	N/A	Not Required – no current need
	421	N/A	Gifts to Employees and School Board Members	N/A	N/A	Covered by MMB Code of Ethics
	423	423 (A&B)	Employee-Student Relationships	10-18-2017	10-18-2020	
	424	N/A	License Status	N/A	N/A	Covered in Employment Contracts
	425	425	Staff Development	02-28-2019	02-28-2022	
	426	426 (A)	Nepotism in Employment	10-18-2017	10-18-2020	
	427*	427*	Workload Limits for Certain Special Education/Special Teachers	03-28-2019	03-28-2022	
		440	Reasonable Accommodations	06-02-2021	06-02-2024	
		441	On-Call	04-25-2019	04-25-2022	
		442* (A)	Braille and Blind Awareness	01-24-2019	01-24-2022	
		443* (A-D)	Staff American Sign Language (ASL) Proficiency	06-12-2018	06-12-2021	
		444 (A)	Driver's License and Record Checks	06-02-2021	06-02-2024	
Aug		445	Respectful Workplace	08-23-2018	08-23-2021	
		446	Payroll Leave and Overtime Requests	04-25-2019	04-25-2022	
		450 (A-C)	School Volunteers	02-24-2021	02-24-2024	
		451	Social Media	06-02-2021	06-02-2024	
		455 (A&B)	Employee Code of Conduct	06-02-2021	06-02-2024	
		456 (A)	Temporary Teleworking	08-15-2019	08-15-2022	

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500	STUDENTS					
	501*	501*	School Weapons Prohibition	04-21-2021	04-21-2024	
	502*	502*	Search of Student Lockers, etc.	04-21-2021	04-21-2024	
	503	N/A	Student Attendance	N/A	N/A	Covered in Parent-Student Handbook
	504	N/A	Student Dress and Appearance	N/A	N/A	Covered in Parent-Student Handbook
	505	505	Distribution of Non School-Sponsored Materials on School Premises by Students and Employees	01-20-2021	01-20-2024	
	506*	506*	Student Discipline	06-02-2021	Annual Review	
	507	N/A	Corporal Punishment	N/A	N/A	Covered under MSA Policy #543 - CPI
	508	N/A	Extended School year for Certain Students with IEPs	N/A	N/A	Incorporated into our program
	509	N/A	Enrollment of Non-Resident Students	N/A	N/A	Not applicable
	510	N/A	School Activities	N/A	N/A	Incorporated into our program
	511	N/A	Student Fundraising	N/A	N/A	Refer to MSA Policy #744
	512	512	School Sponsored Student Publications and Activities	04-25-2019	04-25-2022	
	513	513	Student Promotion, Retention, and Program Design	N/A	N/A	Decisions made by IEP team
	514*	514*	Bullying Prohibition	06-02-2021	Annual Review	
	515*	515*	Protection and Privacy of Pupil Records	04-21-2021	04-21-2024	
	516*	516*	Student Medication	04-25-2019	04-25-2022	
	517	N/A	Student Recruiting	N/A	N/A	Not applicable
	518*	518*	DNR-DNI Orders	04-21-2021	04-21-2024	
	519	N/A	Interviews of Students By Outside Agencies	N/A	N/A	Covered in Policy 520

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	520*	520*	Participation in Research Projects and Student Surveys	04-21-2021	04-21-2024	
	521*	521* (A)	Student Disability Nondiscrimination	04-21-2021	04-21-2024	
	522*	522* (A)	Student Sex, Gender, Gender Identity Nondiscrimination	06-02-2021	Annual Review	
	524*	524* (A-E)	Appropriate Use of Electronic Communication and Technology	06-27-2019	Annual Review	
	525	?	Violence Prevention (applicable to students and staff)	?	?	To be discussed
	526*	526*	Hazing Prohibition	06-02-2021	06-02-2024	
	527	N/A	Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches	N/A	N/A	Covered in Parent-Student Handbook
	528	528	Student Parental, Family, and Marital Status Nondiscrimination	02-24-2021	02-24-2024	
	529	N/A	Staff Notification of Violent Behavior by Students	N/A	N/A	Not required – info is included in student IEPs
	530	?	Immunization Requirements	?	?	Covered in Parent-Student Handbook - discuss
	531*	531*	Pledge of Allegiance	10-23-2020	10-23-2023	
	532*	532*	Use of Peace Officer and Crisis Teams to Remove Students with IEPs from School Grounds	06-02-2021	06-02-2024	
	533*	533*	Wellness – Nutrition and Physical Activity	06-29-2017	06-29-2020	
	534*	534P	Unpaid Meal Charges – Placeholder	10-18-2017	N/A	N/A – Placeholder
	535	535	Service Animals in Schools			Needed? Check Procedure
		543	Crisis Prevention Intervention (CPI)	06-12-2018	06-12-2021	
		545	Guidelines for Research Involving Academy Students	N/A	N/A	Refer to Policy 520 – Repealed on 06-12-2018
		546	Initial Admission, Placement, Enrollment, and Exit	01-23-2020	01-23-2023	
600	EDUCATIONAL PROGRAM					
	601*	601*	School District Curriculum and Instruction Goals	06-27-2019	06-27-2022	

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	602	N/A	Organization of School Calendar and School Day	N/A	N/A	Reviewed 12/29/2015 Not needed
	603*	603*	Curriculum Development	06-27-2019	06-27-2022	
	604	N/A	Instructional Curriculum	N/A	N/A	Reviewed 2/18/2016 Not Needed
	605	N/A	Alternative Programs	N/A	N/A	Incorporated into our program
	606	606	Textbooks and Instructional Materials	06-27-2019	06-27-2022	
	607	607	Organization of Grade Levels	06-27-2019	06-27-2022	
	608	608	Instructional Services – Special Education	06-27-2019	06-27-2022	
	609	?	Religion	?	?	Covered in Parent-Student Handbook
	610	?	Field Trips	?	?	Covered in Registration Packet
	611*	611*	Home Schooling	N/A	N/A	Repealed – 4/25/2019 – not applicable to MSA
	612-1	N/A	Development of Parental Involvement Policies for Title 1 Programs	N/A	N/A	Does not Apply to MSA
	613	N/A	Graduation Requirements	N/A	N/A	Included in Parent-Student Handbook
	614*	614*	State-Mandated Tests	03-28-2019	03-28-2022	
	615	N/A	Testing accommodations, modifications, and exemptions for IEPs, Section 504 Plan, and LEP Students	N/A	N/A	Reviewed 12/29/2015 – Covered in IEPs
	616*	616*	School District System Accountability	06-02-2021	Annual Review	
	617	617	School District Ensurance of Preparatory and High School Standards			Review?
	618	N/A	Assessment of Student Achievement	N/A	N/A	Reviewed 1/26/2016 – Not Needed
	619	N/A	Staff Development for Standards	N/A	N/A	Included in Professional Development
	620*	N/A	Credit for Learning	N/A	N/A	Covered in Parent-Student Handbook

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	621	621	Record Keeping/Reporting/Advising of Student Achievement			Review?
	623	N/A	Mandatory Summer School Instruction	N/A	N/A	Reviewed 12/29/2015 – Not Needed
	624	N/A	Online Learning Options	N/A	N/A	Not applicable yet
		625	Inclement Weather	01-23-2020	01-23-2023	
700	NON-INSTRUCTIONAL OPERATIONS					
	701	N/A	Establishment and Adoption of School District Budget	N/A	N/A	Covered under State Procedures - MMB
	701-1	N/A	Modification of School District Budget	N/A	N/A	Covered under State Procedures - MMB
	702	N/A	Accounting	N/A	N/A	Covered under State Procedures - MMB
	703	N/A	Annual Audit	N/A	N/A	Covered under State Procedures - MMB
	704	N/A	Development and Maintenance of an Inventory of Fixed Assets and a Fixed Asset Accounting System	N/A	N/A	Covered under State Procedures - MMB
	705	N/A	Investments	N/A	N/A	Covered under State Procedures - MMB
	706	N/A	Acceptance of Gifts	N/A	N/A	Covered under State Procedures - MMB
	707	N/A	Transportation of Public School Students	N/A	N/A	Not applicable to MSA
	708	N/A	Transportation of NonPublic School Students	N/A	N/A	Not applicable to MSA
	709*	?	Student Transportation Safety	?	?	Combine 709-710 in one policy
	710	?	Extracurricular Transportation	?	?	Combine 709-710 in one policy
	711	N/A	Video Recording on School Buses	N/A	N/A	No current need
	712	?	Video Surveillance other than on Buses	?	?	To be discussed
	713	N/A	Student Activity Accounting	N/A	N/A	Covered under State Procedures - MMB

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	714	N/A	Fund Balances	N/A	N/A	Covered under State Procedures - MMB
	720	N/A	Vending Machines	N/A	N/A	No current need
	721*	?	Uniform Grant Guidance Policy Regarding Federal Revenue Sources	?	?	To be discussed
	722*	?	Public Data Requests and Public Data Request Form	?	?	To be discussed
		740	Special Expense / Outstate Travel	08-15-2019	08-15-2022	
		741	Employee Activity Expenses	03-28-2019	03-28-2022	
		742	Imprest Fund	08-23-2018	08-23-2021	
		743	Petty Cash	08-23-2018	08-23-2021	
		744	Fundraising	02-24-2021	02-24-2024	
		745	Purchasing Card Use	06-29-2017	06-29-2020	
		750	MN Resource Library Acquisition and Collection	03-28-2019	03-28-2022	
		751	MSA Library Collections Management	06-02-2021	06-02-2024	
		752	MSA Museums Collections Management	06-02-2021	06-02-2024	
800	BUILDINGS AND SITES					
	801	N/A	Equal Access to School Facilities	N/A	N/A	Covered in MSA Policy #902
	802	N/A	Disposition of Obsolete Equipment and Material	N/A	N/A	Covered under State Procedures - MMB
	805	?	Waste Reduction and Recycling	?	?	To be discussed
	806*	806*	Crisis Management	06-12-2018	Annual Review	
	807*	807*	Health and Safety	08-23-2018	08-23-2021	
		827	Naming of Buildings, Sites and Common Areas	02-16-2017	02-16-2020	

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		828	Keys and Keycards	08-15-2019	08-15-2022	
900	SCHOOL / COMMUNITY RELATIONS					
	901	N/A	Community Education	N/A	N/A	No Current Need
	902	902	Use of Facility and Equipment	11-17-2016	11-17-2019	
	903*	903*	Visitors to School District Buildings and Sites			Draft ready for Dept. Heads review
	904	904	Distribution of Materials on MSA Property by Non School Persons	06-02-2021	06-02-2024	
	905	?	Advertising	?	?	To be discussed
	906	906	Community Notification of Predatory Offenders	06-02-2021	06-02-2024	
	907	N/A	Rewards for Information	N/A	N/A	No Current Need

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Key	
MSBA # Policy (*Mandatory Policies)	MSA # Policy (*Mandatory Policies)
BLACK – Current Policies	
RED – (TBD) Needs to be discussed and/or added	
GRAY - Reviewed and not needed	
P = Placeholder for mandatory policies that are not applicable to MSA	

Mandatory Annual Review:		Last Reviewed
410	Family and Medical Leave Policy	06-02-2021
413	Harassment and Violence	06-02-2021
414	Mandated Reporting of Child Neglect or Physical or Sexual Abuse	06-02-2021
415	Mandated Reporting of Maltreatment of Vulnerable Adults	06-02-2021
506	Student Discipline	06-02-2021
514	Bullying Prohibition Policy	06-02-2021
522	Student Sex, Gender, Gender Identity Nondiscrimination	06-02-2021
616	School District System Accountability	06-02-2021
806	Crisis Management Policy	06-12-2018

Policies required to be printed in the Student Handbook	
413	Harassment and Violence
514	Bullying Prohibition
526	Hazing Prohibition

Policy #:413.1
Title: SEXUAL HARASSMENT PROHIBITION
Date of Initial Approval: 08-23-2018
Revision/Re-authorization Dates:
Reviewers: MSAB Director; MSAD Director; MSA Director of Support Services; MSA Superintendent; MSA Human Resources

I. PURPOSE

The purpose of this policy is to create a work environment free from sexual harassment of any kind at the Minnesota State Academies (MSA).

II. GENERAL STATEMENT OF POLICY

Aligned with Minnesota Department of Management and Budget Policy #1329, it is the policy of the Minnesota State Academies that sexual harassment in any form is strictly prohibited. Individuals who believe they have been subject to sexual harassment are encouraged to file a complaint with an appropriate authority. Any form of retaliation directed against an individual who complains about sexual harassment or who participates in any investigation concerning sexual harassment is strictly prohibited and will not be tolerated. Violations of this policy by MSA employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action.

III. SCOPE

This policy applies to all employees of, and third parties who have business interactions with the Minnesota State Academies.

IV. DEFINITIONS

- A. **Complainant** - an individual who complains about sexual harassment or retaliation.
- B. **Public Service Environment** - a location that is not the workplace where public service is being provided.
- C. **Sexual Harassment** - unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature.
- D. **Third Party** – individuals who are not state/MSA employees but who have business interactions with state/MSA employees, including, but not limited to:
 - Applicants for employment
 - Vendors
 - Contractors
 - Volunteers
 - Customers/consumers
 - Business partners

V. GENERAL STANDARDS AND EXPECTATIONS

A. Prohibition of Sexual Harassment

Sexual harassment of any employee or third party in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited.

Sexual harassment under this policy is any conduct or communication of a sexual nature which is unwelcome. The victim, as well as the harasser, can be of any gender. The victim does not have to be of the opposite sex as the harasser. Sexual harassment includes, but is not limited to:

1. Unwelcome sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, degrading sexual remarks, threats;
2. Unwelcome sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures;
3. Unwelcome physical contact, such as rape, sexual assault, molestation, or attempts to commit these assaults; unwelcome touching, pinching, or brushing of or by the body;
4. Preferential treatment or promises of preferential treatment for submitting to sexual conduct, including soliciting or attempting to solicit an individual to submit to sexual activity for compensation or reward;
5. Negative treatment or threats of negative treatment for refusing to submit to sexual conduct;
6. Subjecting, or threatening to subject, an individual to unwelcome sexual attention or conduct.

B. Employee and Third Party Responsibilities and Complaint Procedure

Sexual harassment will not be tolerated. All employees and third parties are expected to comply with this policy.

Employees and third parties are encouraged to report all incidents of sexual harassment. Individuals are encouraged to report incidents of sexual harassment as soon as possible after the incident occurs. Individuals may make a complaint of sexual harassment with:

- Any MSA supervisor
- MSA's Affirmative Action Officer/Human Resources Office
- MSA administrators, up to and including the superintendent.

If the complaint concerns the MSA superintendent, the complainant may contact the MSA board chair or the Minnesota Management and Budget, Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion.

To ensure the prompt and thorough investigation of a complaint of sexual harassment, the complainant may be asked to provide information in writing, which may include, but is not limited to:

1. The name, department, and position of the person(s) allegedly causing the harassment;
2. A description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
3. The name(s) of other individuals who may have been subject to similar harassment;
4. What, if any, steps have been taken to stop the harassment;
5. Any other information the complainant believes to be relevant.

Individuals are encouraged to use MSA's internal complaint procedure, but may also choose to file a complaint externally with the Equal Employment Opportunity Commission (EEOC) and/or the Minnesota Department of Human Rights (MDHR) or other legal channels.

C. Supervisor Responsibility

Supervisors are responsible for the following:

1. Modeling appropriate behavior;
2. Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
3. When a complaint of sexual harassment has been made to the supervisor, or when the supervisor is otherwise aware that a problem exists, the supervisor must appropriately respond to the complaint or problem.
4. Immediately report all allegations or incidents of sexual harassment to MSA's affirmative action officer/human resources office so that prompt and appropriate action can be taken;
5. Complying with MSA's complaint and investigation procedures and/or MSA's Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

Supervisors who knowingly participate in, allow, or tolerate sexual harassment or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

D. Human Resources Office/Affirmative Action Officer Responsibilities

MSA's Human Resource Office/Affirmative Action Officer are responsible for the following:

1. Modeling appropriate behavior;
2. Distributing the sexual harassment policy to all employees, through a method whereby receipt can be verified;
3. Treating all complaints of sexual harassment seriously, regardless of the individuals or behaviors involved;
4. Complying with MSA's complaint and investigation procedures and/or MSA's Affirmative Action Plan to ensure prompt and appropriate action in response to complaints of sexual harassment.

5. Keeping the MSA administration and board apprised of changes and developments in the law.

E. Investigation and Discipline

All complaints of sexual harassment will be taken seriously, and prompt and appropriate action will be taken. When conducting an investigation, supervisors/directors and human resources/affirmative action officers must follow MSA's investigation procedures.

Timely and appropriate corrective action will be taken when there is a violation of this policy. Employees who are found to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action, up to and including discharge.

Third parties who are found to have engaged in sexual harassment in violation of this policy will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and MSA. MSA may opt to contact the MMB Enterprise Human Resources, Office of Equal Opportunity, Diversity, and Inclusion for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or contractors.

Employees who knowingly file a false complaint of sexual harassment will be subject to disciplinary action, up to and including discharge.

F. Non-Retaliation

Retaliation against any person who reports sexual harassment or participates in an investigation of such reports is strictly prohibited. Retaliation will not be tolerated. Any employee who is found to have engaged in retaliation in violation of this policy will be subject to discipline, up to and including discharge. Third parties who are found to have engaged in retaliation in violation of this policy will be subject to appropriate action.

VI. RESPONSIBILITIES OF THE MINNESOTA STATE ACADEMIES

- MSA will ensure that all employees have read and understand this policy.
- MSA will post this policy with MSA Policy #413 – Harassment and Violence in a manner that can be accessed by third parties.
- MSA will include this policy in their Affirmative Action Plan
- MSA will develop ways to implement this policy, including:
 - An educational program;
 - A process for reporting complaints; and
 - A procedure under which complaints will be addressed promptly.
- MSA will enforce this policy.

Legal References:

42 U.S.C. § 2000e, et al.
Minn. Stat. Ch. 363A
Minn. Stat. Ch. 43A
Minn. Rule 3905.0500

Cross References:

MMB HR/LR Policy #1329 – Sexual Harassment Prohibited
MSA Policy 413 – Harassment and Violence

Policy #: 418
Title: DRUG-FREE WORKPLACE AND DRUG-FREE SCHOOL
Date of Initial Approval: 08-23-2018
Revision/Re-authorization Dates:
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services; MSA Human Resources Office; MSA Superintendent

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students at the Minnesota State Academies (MSA) by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.

B. A violation of this policy occurs when any MSA student, teacher, administrator, employee, board member, contractor, or member of the public uses or possesses alcohol, toxic substances, controlled substances, or medical cannabis in any school location.

C. MSA will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, employee, board member, contractor, or member of the public who violates this policy.

III. DEFINITIONS

A. **“Alcohol”** includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.

B. **“Controlled substances”** include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812, including analogues and look-alike drugs.

C. **“Medical cannabis”** means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of: (1) liquid, including, but not limited to, oil; (2) pill; (3) vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or (4) any other method, excluding smoking, approved by the commissioner.

- D. **“Toxic substances”** includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- E. **“Use”** includes selling, buying, manufacturing, distributing, dispensing, possessing, using, or being under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- F. **“Possess”** means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. **“School location”** includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of MSA or otherwise engaged in MSA business.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance which has a currently accepted medical use in treatment in the United States and/or Minnesota and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories)

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school district’s student medication policy. Students who have a prescription from a physician for medical treatment with a controlled substance must provide a copy of the prescription and the medication to the MSA Director of Health Services. The director of health services and/or school nurses will administer the prescribed medication in accordance with school district procedures (MSA Policy #516 – Student Medication).
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform their supervisor. The employee may be required to provide a copy of the prescription.

- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that they have received the policy.
- D. Employees are subject to MSA's drug and alcohol testing policies and procedures. (MSA Policy 418.1)
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility, unless prescribed for a student by a medical doctor and administered by licensed nursing personnel.
- G. Possession, consumption, distribution, or sale of alcohol at a school location is prohibited.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. MSA shall ensure that this policy is reviewed by all employees on an annual basis.
- B. This policy shall be reviewed at least annually for compliance with state law.

Legal References:

Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.234 (Crimes Against the Person)
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References:

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
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)
MSA Policy #418.1 (Alcohol and Other Drug Use by State Employees)

Policy #: 445
Title: RESPECTFUL WORKPLACE
Date of Initial Approval: 07-09-1996
Revision/Re-authorization Dates:05-31-2001; 11-21-2013; 08-23-2018
Reviewers: MSA Superintendent; MSA Human Resources Office

I. PURPOSE

The purpose of this policy is to build and maintain a workplace that is respectful and professional toward all employees, volunteers, contractors, and other persons visiting the workplace and public service environment at the Minnesota State Academies (MSA).

II. GENERAL STATEMENT OF POLICY

It is the Minnesota State Academies' policy to provide a positive environment in which all staff, members of the public and others doing business with the state are treated with professionalism and respect. Employees at MSA are expected to conduct themselves in a manner that promotes this environment. Respect for others is fundamental to working in an effective, efficient, and innovative manner. Therefore, it is the intent of MSA to ensure a respectful workplace and public service environment free of disrespectful or unprofessional communications/behavior, and provide an effective and non-retaliatory problem-solving process that addresses concern regarding respectful or professional communications and/or behavior.

III. SCOPE

This policy applies to all employees of Minnesota State Academies. It also applies to non-status employees and non-employees such as volunteers and contractors.

IV. DEFINITIONS

- A. Professionalism: Displaying the good judgment and proper behavior that is reasonably expected in the workplace.
- B. Public Service Environment: A location that is not the workplace where public service is being provided.
- C. Respect: Behavior or communication that demonstrates positive consideration and treats individuals in a manner that a reasonable person would find appropriate.
- D. Third Parties: Volunteers, contractors, customers and other non-employees in the workplace or public service environment.

V. EXCLUSIONS

This policy solely addresses communications and behavior that do not involve protected class status. Communications and behavior that involve protected class status are addressed in the Minnesota Department of Management and Budget's HR/LR Policy #1329 – Sexual Harassment Prohibited; MSA Policy #413 - Harassment and Violence; and MSA Policy #413.1 – Sexual Harassment and Violence.

VI. RESPONSIBILITIES OF EMPLOYEES

Employees (including volunteers and contractors) are expected to:

1. Conduct themselves in a manner that demonstrates professionalism and respect for others in the workplace and public service environment;
2. Become educated and behave respectfully in regards to cultural differences. Participate in cultural awareness training and apply culturally appropriate practices within their job assignments.
3. Use informal means to address issues directly with the individual(s) involved whenever possible;
4. Participate fully and in good faith in any informal resolution process or formal complaint and investigative process for which they may have relevant information; and
5. Report incidents that may violate this policy in accordance with processes identified by the agency.

In addition to their responsibilities as employees as described above, agency heads, managers and supervisors are also expected to:

1. Inform their employees and third parties for whom they are responsible of the expectations outlined in this policy;
2. Achieve and maintain compliance with this policy; and
3. Take timely and appropriate action when a complaint is made alleging violation of this policy.

Failure to comply with this policy and its procedures may result in disciplinary action, up to and including termination, or ending a contractor or volunteer relationship with the agency.

VII. RETALIATION PROHIBITED

Retaliation is prohibited against any employee or third party who:

1. Initiates a complaint;
2. Reports an incident that may violate this policy;
3. Participates in an investigation related to a complaint; or
4. Is associated or perceived to be associated with a person who initiates a complaint or participates in the investigation of a complaint under this policy.

VIII. RESPECTFUL AND/OR PROFESSIONAL BEHAVIOR

Context is important in understanding the difference between respectful and/or professional behavior and disrespectful and/or unprofessional behavior. Individuals may experience stress or discomfort in the workplace that is not related to disrespectful and/or unprofessional behavior. For example, disrespectful and/or unprofessional behavior does not include any of the following:

1. The normal exercise of supervisory or managerial responsibilities, including, but not limited to performance reviews, work direction, performance management, and disciplinary action provided they are conducted in a respectful, professional manner.
2. Disagreements, misunderstandings, miscommunication or conflict situations where the behavior remains professional and respectful.

Disrespectful and/or unprofessional behavior may or may not be intentional. Unintentionally disrespectful and/or unprofessional behavior may still violate this policy. Examples of *disrespectful and/or unprofessional* behavior include but are not limited to:

1. Exhibiting aggressive behaviors including shouting, abusive language, threats of violence, the use of obscenities, and/or other non-verbal expressions of aggression;
2. Behavior that a reasonable person would find to be demeaning, humiliating, or bullying;
3. Deliberately destroying, damaging or obstructing someone's work performance, work product, tools, or materials; and/or
4. Use of this policy and procedure to make knowingly false complaint(s).

IX. PROCEDURES

- A. As with all allegations of misconduct, informal resolution or formal investigatory processes related to this policy will be conducted in a timely, fair, and objective manner.
- B. Individuals are encouraged to informally resolve concerns whenever possible. In addition to the options provided in this procedure and those identified within the agency, the involved parties and the agency, by mutual agreement, may at any point seek mediation through the Bureau of Mediation Services (BMS).

X. INFORMAL RESOLUTION

- A. If possible, the employee or third party who feels a violation has occurred should begin the resolution process by having a conversation with the other individual(s) involved.
- B. Employees and third parties are encouraged to speak with their supervisor, agency Human Resources office, union representative, or Employee Assistance Program (EAP) representative for assistance or guidance on how to resolve the situation.
- C. If a direct approach is not possible or does not resolve the concern, employees and third parties are encouraged to meet with their supervisor or manager to discuss next steps.
- D. If the concern is about the supervisor or manager, parties are encouraged to contact the Human Resources office or an EAP counselor to determine options for resolution.

XI. FORMAL COMPLAINTS

- A. Any employee or third party may choose to initiate a formal complaint under this policy. Complaints should be submitted to the Human Resources office. If the complaint concerns a member of the Human Resources office, the complainant may contact their supervisor/director or the Superintendent. If the complaint concerns the Superintendent, the complainant should submit their report to the MSA Board chair. Alternatively, they may contact the Assistant Commissioner of Enterprise Human Resources at MMB.
- B. Complaints must contain details of the situation and the identity of the person or persons against whom the complaint is being made. A person against whom a formal complaint is made may be informed of the complaint.
- C. As a matter of best practice, the supervisor/director or Human Resources office receiving a complaint made pursuant to this policy is encouraged to acknowledge receipt of any complaint in writing, to the complainant, with a statement that includes:
 - 1. The date that the complaint was made;
 - 2. A statement that the supervisor/director or Human Resources office retains the discretion to determine whether an investigation is warranted;
 - 3. A statement that if it is determined that an investigation is warranted, all investigations will be conducted in a timely, fair and objective manner; and
 - 4. A statement that all data associated with a complaint, including any investigation and any outcome, are government data, and that the

release or non-release of data is governed by the Minnesota Government Data Practices Act (MGDPA).

MMB Labor Relations and Enterprise Human Resources are available to consult and offer guidance on implementation of this policy and procedure. This process does not supersede any applicable grievance or dispute resolution process under a collective bargaining agreement or plan.

XII. RESPONSIBILITIES

- A. Supervisors and Directors of the Minnesota State Academies are responsible for achieving and maintaining compliance with this policy and related procedures.
- B. The Minnesota Department of Management and Budget is responsible for maintaining the statewide policy and procedure (HR/LR Policy #1432 – Respectful Workplace).