

**Policy Committee Meeting**  
Duluth Public Schools, ISD 709

Agenda

Tuesday, May 13, 2025

District Services Center

709 Portia Johnson Dr.

Duluth, MN 55811

3:30 PM

**1. AGENDA ITEMS**

**2. POLICIES FOR FIRST READING**

A. 807 Health and Safety Policy (replacing 4165 Eye & Face Protection (Staff) & 5145 Eye and Face Protection for Students) 2

B. 903 Visitors to School District Buildings and Sites (replacing 1080 Visits to Schools & 6025 Volunteers in School) 9

**3. POLICIES FOR SECOND READING**

A. 413 Harassment and Violence (deleting current 413 & 413R and adopting MSBA Model Policy) 14

B. 726 The Bidding Process (renumbering from 7070) 57

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## 807 HEALTH AND SAFETY POLICY

### I. PURPOSE

The purpose of this policy is to assist the school district in promoting health and safety, reducing injuries, and complying with federal, state, and local health and safety laws and regulations.

### II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to implement a health and safety program that includes plans and procedures to protect employees, students, volunteers, and members of the general public who enter school district buildings and grounds. The objective of the health and safety program will be to provide a safe and healthy learning environment; to increase safety awareness; to help prevent accidents, illnesses, and injuries; to reduce liability; to assign duties and responsibilities to school district staff to implement and maintain the health and safety program; to establish written procedures for the identification and management of hazards or potential hazards; to train school district staff on safe work practices; and to comply with all health and safety, environmental, and occupational health laws, rules, and regulations.
- B. All school district employees have a responsibility for maintaining a safe and healthy environment within the school district and are expected to be involved in the health and safety program to the extent practicable. For the purpose of implementing this policy, the school district ~~may~~ **shall** form a health and safety advisory committee, **referred to as the Occupational Safety Committee**, to be ~~appointed by the superintendent~~ **chaired by the Health, Safety, and Environmental Coordinator**. The ~~health and safety advisory committee~~ **Occupational Safety Committee** will be composed of employees and other individuals with specific knowledge of related issues, **and will include members from each site and union**. The ~~advisory committee~~ **Occupational Safety Committee** will provide recommendations to the administration regarding plans and procedures to implement this policy and to establish procedures for identifying, analyzing, and controlling hazards, minimizing risks, and training school district staff on safe work practices. The committee will also recommend procedures for investigating accidents and enforcement of workplace safety rules. Each recommendation shall include estimates of annual costs of implementing and maintaining that proposed recommendation. ~~The superintendent may request that t~~
- ~~The Occupational Safety Committee established under Minn. Stat. § 182.676 shall carry out all or part of the duties of the advisory committee or the advisory committee may consider recommendations from a separate safety committee established under Minn. Stat § 182.676.~~

### III. EMPLOYEE PROCEDURES

- A. Based upon recommendations from the ~~health and safety advisory committee~~ **Occupational Safety Committee** and subject to the budget adopted by the school board to implement or maintain these recommendations, the administration will adopt and implement written plans and procedures for identification and management of hazards or potential hazards existing within the school district in accordance with federal, state, and local laws, rules, and regulations. Written plans and procedures will be maintained, updated, and reviewed by the ~~school board~~ **Health, Safety, and Environmental Coordinator** on an annual basis and shall be ~~an addendum to this policy~~ **made available on the district website**. The administration shall identify in writing a contact person to oversee compliance with each specific plan or procedure.
- B. To the extent that federal, state, and local laws, rules, and regulations do not exist for

identification and management of hazards or potential hazards, the ~~health and safety advisory committee~~ **Occupational Safety Committee** shall evaluate other available resources and generally accepted best practice recommendations. Best practices are techniques or actions which, through experience or research, have consistently proven to lead to specific positive outcomes.

- C. The school district shall monitor and make good faith efforts to comply with any new or amended laws, rules, or regulations to control potential hazards.

#### **IV. STUDENT PROCEDURES**

- A. All students shall wear eye protective devices when participating in, observing, or performing any function in connection with any courses or activities taking place in eye protection areas. Eye protection areas shall include, but not be limited to, industrial arts shops, science laboratories, and other school laboratories.

The School District shall purchase and make available for all students eye protective devices meeting ANSI standards Z87.1-1968/2020.

Each program or course requiring the eye protective devices shall have such notation on all literature distributed to prospective students. Each teacher instructing in eye protection areas shall instruct, demonstrate, and constantly supervise the use, care, and storage of the eye protective devices. Each student enrolled in an eye protective course shall obtain the required eye protective device from the teacher; the device shall be returned at the end of the course.

Any student failing to comply with this requirement may be temporarily suspended from participation in said course, and the registration of a student for such a course may be canceled for willful, flagrant, or repeated failure to observe requirements.

All students involved in the operation of rotating equipment or such equipment where rapid discharge of material is common shall wear face protection in addition to eye protection. Other areas with peculiar hazards, such as welding, shall require the use of proper protective equipment from light as well as chips.

Students shall not be allowed in an eye protection area without approved eye protective devices.

#### **IV. PROGRAM AND PLANS**

- A. For the purpose of implementing this policy, the administration will, within the budgetary limitations adopted by the school board, implement a health and safety program that includes specific plan requirements in various areas as identified by the ~~health and safety advisory committee~~ **Occupational Safety Committee**. Areas that may be considered include, but are not limited to, the following:

1. Asbestos
2. Fire and Life Safety
3. Employee Right to Know
4. Emergency Action Planning
5. Combustible and Hazardous Materials Storage
6. Indoor Air Quality
7. Mechanical Ventilation
8. Mold Cleanup and Abatement
9. Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools
10. Infectious Waste/Bloodborne Pathogens
11. Community Right to Know

12. Compressed Gas Safety
13. Confined Space Standard
14. Electrical Safety
15. First Aid/CPR/AED/Naloxone
16. Food Safety Inspection
17. Forklift/Powered Industrial Truck Safety
18. Hazardous Waste Management
19. Hearing Conservation
20. Hoist/Lift/Elevator Safety
21. Integrated Pest Management
22. Laboratory Safety Standard/Chemical Hygiene Plan
23. Lead in Paint
24. Lead in Water and Well Water Management
25. Control of Hazardous Energy Sources (Lockout/Tagout)
26. Machine Guarding
27. Safety Committee
28. Personal Protection Equipment (PPE)
29. Playground Safety
30. Radon
31. Respiratory Protection
32. Underground and Above Ground Storage Tanks
33. Welding/Cutting/Brazing (Hot Work)
34. Fall Protection
35. National Emission Standards for Hazardous Air Pollutants for School Generators established by the United States E.P.A.
36. Bleacher Inspections
37. Heat and Cold Stress
38. Ladders
39. Mobile Elevated Work Platform/Aerial Lifts/Scaffolding
40. Powered Tools and Chainsaws
41. Silica
42. Working Alone
43. CTE Classroom Safety
44. Chemistry Classroom Safety
45. Art Classroom Safety
46. Other areas determined to be appropriate by the health and safety advisory committee.

If a risk is not present in the school district, the preparation of a plan or procedure for that risk will not be necessary.

- B. The administration shall establish procedures to ensure, to the extent practicable, that all employees are properly trained and instructed in job procedures, crisis response duties, and emergency response actions where exposure or possible exposure to hazards and potential hazards may occur.
- C. The administration shall conduct or arrange safety inspections and drills. Any identified hazards, unsafe conditions, or unsafe practices will be documented and corrective action taken to the extent practicable to control that hazard, unsafe condition, or unsafe practice.
- D. Communication from employees regarding hazards, unsafe or potentially unsafe working conditions, and unsafe or potentially unsafe practices is encouraged in either written or oral form. No employee will be retaliated against for reporting hazards or unsafe or potentially unsafe working conditions or practices. All employees have the authority to stop work if they believe conditions may pose a danger to life or health.

- E. The administration shall conduct periodic workplace inspections to identify potential hazards and safety concerns.
- F. In the event of an accident or a near miss, the school district shall promptly cause an accident investigation to be conducted in order to determine the cause of the incident and to take action to prevent a similar incident. All accidents and near misses must be reported to an immediate supervisor as soon as possible.
- G. The district shall provide personal protective equipment to staff, including but not limited to eye protection (including prescription eye protection), gloves, respirators, and hearing protection, as deemed necessary in the written programs in section IV.A.

**VI. BUDGET**

The superintendent shall be responsible to provide for periodic school board review and approval of the various plan requirements of the health and safety program, including current plan requirements and related written plans and procedures and recommendations for additional plan requirements proposed to be adopted. The superintendent, or such other school official as designated by the superintendent, **such as the Health, Safety, and Environmental Coordinator**, each year shall prepare preliminary revenue and expenditure budgets for the school district’s health and safety program. The preliminary budgets shall be accompanied by such written commentary as may be necessary for them to be clearly understood by the members of the school board and the public. The school board shall review the projected revenues and expenditures for this program and make such adjustments within the expenditure budget to carry out the current program and to implement new recommendations within the revenues projected and appropriated for this purpose. No funds may be expended for the health and safety program in any school year prior to the adoption of the budget document authorizing that expenditure for that year, or prior to the adoption of an amendment to that budget document by the school board to authorize that expenditure for that year. The health and safety program shall be implemented, conducted, and administered within the fiscal restraints of the budget so adopted.

**VII. ENFORCEMENT**

Enforcement of this policy is necessary for the goals of the school district’s health and safety program to be achieved. Within applicable budget limitations, school district employees will be trained and receive periodic reviews of safety practices and procedures, focusing on areas that directly affect the employees’ job duties. Employees shall participate in practice drills. Willful violations of safe work practices may result in disciplinary action in accordance with applicable school district policies.

**Legal References:** Minn. Stat. § 123B.56 (Health, Safety, and Environmental Management)  
 Minn. Stat. § 123B.57 (Capital Expenditure; Health and Safety)  
 Minn. Stat. § 182.676 (Safety Committees)  
 Minn. Rules Part 5208.0010 (Applicability)  
 Minn. Rules Part 5208.0070 (Alternative Forms of Committee)

**Cross References:** MSBA/MASA Model Policy 407 (Employee Right to Know - Exposure to Hazardous Substances)  
 MSBA/MASA Model Policy 701 (Establishment and Adoption of School District Budget)  
 MSBA/MASA Model Policy 806 (Crisis Management Policy)  
**MSA 126.20**

First Reading: April 26, 2022  
Second Reading: May 17, 2022

## ~~4165 — EYE AND FACE PROTECTION~~

~~All employees shall wear protective devices when working, participating in, observing, or teaching in vocational or industrial arts shops, science or other school laboratories, maintenance shops, and other areas identified by the Superintendent.~~

~~Eye protective devices meeting ANSI Standards Z87.1-1968 shall be supplied by the School District and made available to all employees requiring such protection. Each employee requiring such a protective device shall submit a request to his/her immediate supervisor. Employees requiring corrective lenses must provide (at their own expense) a current prescription from their ophthalmologist. The cost of an eye protective device made from the employee's prescription will be borne by the School District. All employees exposed to or required to work in chemical splash hazard areas shall be provided chemical splash goggles and are required to wear such goggles when working with hazardous liquids.~~

~~All personnel involved in the operation of rotating equipment or such equipment where rapid discharge of material is common shall wear face protection in addition to eye protection. Other areas with peculiar hazards, such as welding, shall require the use of proper protective equipment from light as well as chips.~~

~~Any staff member teaching in an area where eye protection is required, who fails to enforce the School Board's policies on protection for students and staff, shall be deemed to be in violation of the policy and may be subject to disciplinary action.~~

~~References: MSA 126.20 Eye Protective Devices  
Minnesota Occupational Safety and Health Act 1973  
1910.133 Eye and Face Protection~~

~~Adopted: 11-09-76 ISD 709  
Revised: 01-08-1980  
08-09-1983  
06-20-1995 ISD 709~~

## ~~5145—EYE AND FACE PROTECTION~~

~~All students shall wear eye protective devices when participating in, observing, or performing any function in connection with any courses or activities taking place in eye protection areas. Eye protection areas shall include, but not be limited to, industrial arts shops, science laboratories, and other school laboratories.~~

~~The School District shall purchase and make available for all students eye protective devices meeting ANSI standards Z87.1-1968.~~

~~Each program or course requiring the eye protective devices shall have such notation on all literature distributed to prospective students. Each teacher instructing in eye protection areas shall instruct, demonstrate, and constantly supervise the use, care, and storage of the eye protective devices. Each student enrolled in an eye protective course shall obtain the required eye protective device from the teacher; the device shall be returned at the end of the course.~~

~~Any student failing to comply with this requirement may be temporarily suspended from participation in said course, and the registration of a student for such a course may be canceled for willful, flagrant, or repeated failure to observe requirements.~~

~~All students involved in the operation of rotating equipment or such equipment where rapid discharge of material is common shall wear face protection in addition to eye protection. Other areas with peculiar hazards, such as welding, shall require the use of proper protective equipment from light as well as chips.~~

~~Students shall not be allowed in an eye protection area without approved eye protective devices.~~

~~Reference: MSA 126.20~~

~~Adopted: 11-09-1976 ISD-709~~

~~Revised: 01-08-1980~~

~~07-14-1981~~

~~06-20-1995 ISD-709~~



Adopted: \_\_\_\_\_

MSBA/MASA Model Policy 903

Orig. 1995

Revised: \_\_\_\_\_

Rev. 2022

## **903 VISITORS TO SCHOOL DISTRICT BUILDINGS AND SITES**

### **I. PURPOSE**

The purpose of this policy is to inform the school community and the general public of the position of the school board on visitors to school buildings and other school property.

### **II. GENERAL STATEMENT OF POLICY**

- A. The school board encourages interest on the part of parents and community members in school programs and student activities. The school board welcomes visits to school buildings and school property by parents/guardians and community members provided the visits are consistent with the health, education and safety of students and employees and are conducted within the procedures and requirements established by the school district.
- B. The school board reaffirms its position on the importance of maintaining a school environment that is safe for students and employees and free of activity that may be disruptive to the student learning process or employee working environment.

### **III. POST-SECONDARY ENROLLMENT OPTIONS STUDENTS**

- A. A student enrolled in a post-secondary enrollment options course may remain at the school site during regular school hours in accordance with established procedures.
- B. A student enrolled in a post-secondary enrollment options course may be provided with reasonable access, during regular school hours, to a computer and other technology resources that the student needs to complete coursework for a post-secondary enrollment course in accordance with established procedures.

### **IV. RESPONSIBILITY**

- A. The school district administration shall present recommended visitor and post-secondary enrollment options student procedures and requirements to the school board for review and approval. The procedures should reflect input from employees, students and advisory groups, and shall be communicated to the school community and the general public. Upon approval by the school board, such procedures and requirements shall be an addendum to this policy.
- B. The superintendent shall be responsible for providing coordination that may be needed throughout the process and providing for periodic school board review and approval of the procedures.

### **V. VISITOR LIMITATIONS**

- A. An individual, post-secondary enrollment options student, or group may be denied permission to visit a school or school property or such permission may be revoked if the visitor(s) does not comply with the school district procedures and regulations or if the visit is not in the best interest of students, employees or the school district.
- B. Visitors, including post-secondary enrollment options students, are authorized to park vehicles on school property at times and in locations specified in the approved visitor procedures and requirements ~~which are an addendum to this policy or as otherwise~~

specifically authorized by school officials. When unauthorized vehicles of visitors are parked on school property, school officials may:

1. move the vehicle or require the driver or other person in charge of the vehicle to move it off school district property; or
  2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of school property.
  3. if unattended, attach an immobilization device to the vehicle, at the expense of the owner or operator.
- C. An individual, post-secondary enrollment options student, or group who enters school property without complying with the procedures and requirements may be guilty of criminal trespass and thus subject to criminal penalty. Such persons may be detained by the school principal or a person designated by the school principal in a reasonable manner for a reasonable period of time pending the arrival of a police officer.

## VI. VOLUNTEERS

A. The School Board, recognizing that educational excellence can only be achieved by using all the resources available in our community, supports the use of volunteers in the classroom and in other locations within school buildings as a method by which teachers and students may receive additional assistance. The purpose of the volunteer program is:

1. To provide positive adult relationships to students.
2. To provide individualized attention for students.
3. To provide enrichment for students.
4. To provide an added dimension of self-esteem and self-confidence for students.
5. To assist in providing supervision for special student activities.
6. To provide an opportunity for parents to become more familiar with school activities and/or operations.

B. The School District will provide an inservice for volunteers as an assurance that the presence of volunteers will not result in a higher student ratio and that confidentiality of students will be maintained.

C. The use of volunteers is at the discretion of each building's professional staff.

D. The professional staff within a school that has accepted the use of volunteers will assume the responsibility for the effectiveness of the volunteer(s).

E. Volunteers must follow visitor procedures in section V.

F. Ways in which a volunteer may be used in a school include, but are not limited to: instructional assistance, assisting with materials and equipment, non-instructional assistance, creativeness in areas of personal interest or talent, and participation in a school's structured program offerings.

**Legal References:** Minn. Stat. § 123B.02 (General Powers of Independent School Districts)  
Minn. Stat. § 124D.09 (Postsecondary Enrollment Options Act)  
Minn. Stat. § 128C.08 (Assaulting a Sports Official Prohibited)  
Minn. Stat. § 609.605, Subd. 4 (Trespass)

**Cross References:** None

Replacing: Policy 1080, 6025

First Reading:

**Adopted:**

## ~~1080 VISITS TO SCHOOLS~~

~~Members of the community and other interested persons are welcome and encouraged to visit the schools. Both visitors and school personnel will make every effort to ensure that school visits will enhance the effect of the educational program. All school visitors, community persons and/or School District staff are expected to identify themselves at the principal's office before visiting elsewhere in the building. All community visitors will be accompanied by the principal or by the principal's designee. Neither teachers nor students will be interviewed, questioned, or solicited by visitors without the permission of the principal.~~

~~Adopted: 06-09-1970 ISD 709~~

~~Revised: 06-20-1995 ISD 709~~

## ~~6025 — VOLUNTEERS IN SCHOOL~~

~~The School Board, recognizing that educational excellence can only be achieved by using all the resources available in our community, supports the use of volunteers in the classroom and in other locations within school buildings as a method by which teachers and students may receive additional assistance. The purpose of the volunteer program is:~~

- ~~1. To provide positive adult relationships to students.~~
- ~~2. To provide individualized attention for students.~~
- ~~3. To provide enrichment for students.~~
- ~~4. To provide an added dimension of self-esteem and self-confidence for students.~~
- ~~5. To assist in providing supervision for special student activities.~~
- ~~6. To provide an opportunity for parents to become more familiar with school activities and/or operations.~~

~~The School District will provide an inservice for volunteers as an assurance that the presence of volunteers will not result in a higher student ratio and that confidentiality of students will be maintained.~~

~~The use of volunteers is at the discretion of each building's professional staff.~~

~~The professional staff within a school that has accepted the use of volunteers will assume the responsibility for the effectiveness of the volunteer(s).~~

~~Ways in which a volunteer may be used in a school include, but are not limited to: instructional assistance, assisting with materials and equipment, non-instructional assistance, creativeness in areas of personal interest or talent, and participation in a school's structured program offerings.~~

~~Adopted: 05-13-1986 ISD-709~~

~~Revised: 06-20-1995~~

~~08-17-2004 ISD-709~~

## **413 HARASSMENT AND VIOLENCE**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, 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. Harassment and violence of any kind towards any individual is prohibited in Duluth Public Schools.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school district personnel include 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 district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's 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 district personnel found to have violated this policy.

### **III. 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, 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

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 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.

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment

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 district personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence

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 Minnesota Statutes, section 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.

H. Violence

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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. If you choose to report anonymously, you will not be informed once an investigation is complete. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. 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. 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.
- D. In Each School Building  

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. 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.
- E. 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.

- F. 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.
- G. In the District

The school board hereby designates Theresa Severance, Executive Director of Human Resources and Operations, [theresa.severance@isd709.org](mailto:theresa.severance@isd709.org) as the school district human rights officer(s) 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.
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. 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, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. 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.

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.

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.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- 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 any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator 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. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the

school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

- 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.

## **VII. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

## **VIII. 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 Minnesota Department of Human Rights or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

## **IX. 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.

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

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.

- E. 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 attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
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**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
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MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Replacing: Policy 4015  
First Reading: 05-19-2015  
Adopted: 06-16-2015  
**04-19-2016 ISD 709** (*Renumbering only*)

First Reading: 07-19-2016  
Second Reading: 08-16-2016  
First Reading: 04-15-2025  
Second Reading: 05-09-2025  
Adopted:

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## **413 HARASSMENT AND VIOLENCE**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, 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. Harassment and violence of any kind towards any individual is prohibited in Duluth Public Schools.
- B. A violation of this policy occurs when any student, teacher, administrator, or other school district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school district personnel include 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 district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's 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 district personnel found to have violated this policy.

### **III. 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, 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

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 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.

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment

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 district personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence

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 Minnesota Statutes, section 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.

H. Violence

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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. A person may report conduct that may constitute harassment or violence anonymously. If you choose to report anonymously, you will not be informed once an investigation is complete. However, the school district may not rely solely on an anonymous report to determine discipline or other remedial responses.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. 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. 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.
- D. In Each School Building  
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. 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.
- E. 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.

- F. 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.
- G. In the District

The school board hereby designates Theresa Severance, Executive Director of Human Resources and Operations, [theresa.severance@isd709.org](mailto:theresa.severance@isd709.org) as the school district human rights officer(s) 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.
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. 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, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
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- O. 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.

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.

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.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

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- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- 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 any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator 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. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

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- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
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school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

- 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.

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The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

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**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
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Second Reading: 08-16-2016  
First Reading: 04-15-2025  
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413 - 8 of 8

## **413 HARASSMENT AND VIOLENCE**

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- 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 district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school district personnel include 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 district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's 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 district personnel found to have violated this policy.

### **III. 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, 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
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 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.

E. "Remedial response" means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment

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 district personnel to avoid physical harm to persons or property;
  - d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
  - e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
  - f. unwelcome behavior or words directed at an individual because of sexual orientation, including gender identity or expression.

G. Sexual Violence

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 Minnesota Statutes, section 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



- b. parts  
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.

H. Violence

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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official 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.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. 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. 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.
- D. In Each School Building  
  
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. 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.
- E. 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.

- F. 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.
- G. In the District  
The school board hereby designates Theresa Severance, Executive Director of Human Resources and Operations, [theresa.severance@isd709.org](mailto:theresa.severance@isd709.org) as the school district human rights officer(s) 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.
- H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- I. 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, work assignments, or educational or work environment.
- J. Use of formal reporting forms is not mandatory.
- K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. 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.

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.

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.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- 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 any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator 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. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the

school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.

- 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.

## **VII. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

## **VIII. 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 Minnesota Department of Human Rights or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

## **IX. 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.

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

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.

- E. 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 attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
Minn. Stat. § 121A.031 (School Student Bullying Policy)  
Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
Minn. Stat. § 609.341 (Definitions)  
Minn. Stat. 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)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)  
MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)  
MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status Nondiscrimination)

Replacing: Policy 4015  
First Reading: 05-19-2015  
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First Reading: 07-19-2016  
Second Reading: 08-16-2016  
First Reading: 04-15-2025  
Second Reading:

Adopted: \_\_\_\_\_

MSBA/MASA Model Policy  
413

Orig. 1995  
Rev. 202

Revised: \_\_\_\_\_

## **413 HARASSMENT AND VIOLENCE**

**[NOTE: State law (Minnesota Statutes, section 121A.03) requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act, Minnesota Statutes, chapter 363A (MHRA). This policy complies with that statutory requirement and addresses the other classifications protected by the MHRA and/or federal law. While the recommendation is that school districts incorporate the other protected classifications, in addition to sex, religion, and race, into this policy, they are not specifically required to do so by Minnesota Statutes, section 121A.03. The Minnesota Department of Education (MDE) is required to maintain and make available a model sexual, religious, and racial harassment policy in accordance with Minnesota Statutes, section 121A.03. MDE's policy differs from that of MSBA and imposes greater requirements upon school districts than required by law. For that reason, MSBA recommends the adoption of its model policy by school districts. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]**

### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, 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 district personnel harasses a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel through conduct or communication based on a person's Protected Class, as defined by this policy. (For purposes of this policy, school district personnel include 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 district personnel inflicts, threatens to inflict, or attempts to inflict violence upon any student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel based on a person's 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 district personnel found to have violated this policy.

### **III. 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, 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.

**[NOTE: In 2023, the Minnesota legislature amended the definition of "sexual orientation" in the Minnesota Human Rights Act as reflected in subpart 6 below.]**

C. "Immediately" means as soon as possible but in no event longer than 24 hours.

D. Protected Classifications

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.

**[NOTE: The 2024 Minnesota legislature revised the definition of**

**“familial status.”]**

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 to whom someone is, or is perceived of as being, emotionally, physically, or sexually attracted to based on sex or gender identity. A person may be attracted to men, women, both, neither, or to people who are genderqueer, androgynous, or have other gender identities.

**[NOTE: The 2023 Minnesota legislature redefined ‘sexual orientation’ in the Minnesota Human Rights Act.]**

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.
- E. “Remedial response” means a measure to stop and correct acts of harassment or violence, prevent acts of harassment or violence from recurring, and protect, support, and intervene on behalf of a student who is the target or victim of acts of harassment or violence.

F. Sexual Harassment

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 district personnel to avoid physical harm to persons or property;



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

G. Sexual Violence

- 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 Minnesota Statutes, section 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.

H. Violence

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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the target or victim of harassment or violence on the basis of Protected Class by a student, teacher, administrator, or other school district personnel, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a student, teacher, administrator, or other school district personnel or group of students, teachers, administrators, or other school district personnel should report the alleged acts immediately to an appropriate school district official 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.
- B. The school district encourages the reporting party or complainant to use the report form available from the principal or building supervisor of each building or available from the school district office, but oral reports shall be considered complaints as well.
- C. 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. 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.

D. In Each School Building

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. 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.

E. 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.

F. 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.

G. In the District

The school board hereby designates Theresa Severance, Executive Director of Human Resources and Operations, [theresa.severance@isd709.org](mailto:theresa.severance@isd709.org) as the school district human rights officer(s) 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.<sup>1</sup>

H. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.

I. 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, work assignments, or educational or work environment.

J. Use of formal reporting forms is not mandatory.

K. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

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<sup>1</sup> In some school districts the superintendent may be the human rights officer. If so, an alternative individual should be designated by the school board.

- L. The school district will respect the privacy of the complainant(s), the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school district's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.
- M. Retaliation against a victim, good faith reporter, or a witness of violence or harassment is prohibited.
- N. False accusations or reports of violence or harassment against another person are prohibited.
- O. 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.

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.

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.

Consequences for other individuals engaging in prohibited acts of violence or harassment may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

## **V. INVESTIGATION**

- A. By authority of the school district, the human rights officer, within three (3) days of the receipt of a report or complaint alleging harassment or violence prohibited by this policy, shall undertake or authorize an investigation. The investigation may be conducted by school district officials or by a third party designated by the school district.
- 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 any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school district should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- D. In addition, the school district may take immediate steps, at its discretion, to protect the target or victim, the complainant, and students, teachers, administrators, or other school district personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The alleged perpetrator 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. The school district human

rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

## **VI. SCHOOL DISTRICT ACTION**

- A. Upon completion of an investigation that determines a violation of this policy has occurred, the school district will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and applicable school district policies and regulations.
- B. The school district is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the school district. School officials will notify the targets or victims and alleged perpetrators of harassment or violence, the parent(s) or guardian(s) of targets or victims of harassment or violence and the parent(s) or guardian(s) of alleged perpetrators of harassment or violence who have been involved in a reported and confirmed harassment or violence incident of the remedial or disciplinary action taken, to the extent permitted by law.
- 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.

## **VII. RETALIATION OR REPRISAL**

The school district will discipline or take appropriate action against any student, teacher, administrator, or other school district personnel who commits an act of reprisal or who retaliates against any person who asserts, alleges, or makes a good faith report of alleged harassment or violence prohibited by this policy, who testifies, assists, or participates in an investigation of retaliation or alleged harassment or violence, or who testifies, assists, or participates in a proceeding or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individual(s) who engaged in the harassment or violence. Remedial responses to the harassment or violence shall be tailored to the particular incident and nature of the conduct.

## **VIII. 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 Minnesota Department of Human Rights or another state or federal agency, initiating civil action, or seeking redress under state criminal statutes and/or federal law.

## **IX. 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.

**X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall be given to each school district employee and independent contractor who regularly interacts with students at the time of initial employment with the school district.
- C. This policy shall appear in the student handbook.
- D. The school district will develop a method of discussing this policy with students and employees.
- E. 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 attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, resourcefulness, and/or sexual abuse prevention.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

**Legal References:** Minn. Stat. § 120B.232 (Character Development Education)  
 Minn. Stat. § 120B.234 (Child Sexual Abuse Prevention Education)  
 Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious, and Racial Harassment and Violence Policy)  
 Minn. Stat. § 121A.031 (School Student Bullying Policy)  
 Minn. Stat. Ch. 363A (Minnesota Human Rights Act)  
 Minn. Stat. § 609.341 (Definitions)  
 Minn. Stat. 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)

**Cross References:** MSBA/MASA Model Policy 102 (Equal Educational Opportunity)  
 MSBA/MASA Model Policy 401 (Equal Employment Opportunity)  
 MSBA/MASA Model Policy 402 (Disability Nondiscrimination Policy)  
 MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)  
 MSBA/MASA Model Policy 406 (Public and Private Personnel Data)  
 MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
 MSBA/MASA Model Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)  
 MSBA/MASA Model Policy 506 (Student Discipline)  
 MSBA/MASA Model Policy 514 (Bullying Prohibition Policy)  
 MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
 MSBA/MASA Model Policy 521 (Student Disability Nondiscrimination)  
 MSBA/MASA Model Policy 522 (Title IX Sex Nondiscrimination, Grievance Procedures and Process)  
 MSBA/MASA Model Policy 524 (Internet Acceptable Use and Safety Policy)

MSBA/MASA Model Policy 525 (Violence Prevention)  
MSBA/MASA Model Policy 526 (Hazing Prohibition)  
MSBA/MASA Model Policy 528 (Student Parental, Family, and Marital Status  
Nondiscrimination)

## ~~413 PROHIBITING HARASSMENT AND VIOLENCE~~

### ~~GENERAL STATEMENT OF POLICY~~

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

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

~~Therefore, it is the policy of ISD 709 to maintain a work and learning environment that is free of harassment and violence based on: Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any or All Other Protected Groups as identified by state and/or federal statute as well as other forms of harassment as defined in this policy.~~

~~Harassment based on: Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any or All Other Protected Groups as identified by state and/or federal statute are also forms of discrimination which violate either Section 703 of Title VII of the Civil Rights Act of 1965, as amended, 42 U.S.C. Section 2000e, et seq. and or the Minnesota Human Rights Act, Minnesota Statute Sections 363.01 — 363.20, and may represent a criminal law violation.~~

~~Violence based on: Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any or All Other Protected Groups as identified by state and/or federal statute is a physical act of aggression, intimidation, and/or degradation directed toward a person or group of persons because of their membership or perceived membership in a protected group.~~

~~It shall be a violation of this policy for any student or school personnel of ISD 709 to harass a pupil or other school personnel through conduct or communication of a sexual nature or regarding: Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any or All Other Protected Groups as identified by state and/or federal statute as well as other forms of harassment as defined by this Policy and Regulation 4015R. (For purposes of this policy, school personnel include: School Board members, administrators, teachers, all other school employees, agents, volunteers, contractors, or other persons subject to the supervision and control of ISD 709.)~~

~~It shall be a violation of this policy for any student or school personnel of ISD 709 to inflict, threaten to inflict, or attempt to inflict violence relating to: Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any or All Other Protected Groups as identified by state and/or federal statute as well as any other forms of violence as defined by this policy upon any pupil or school personnel.~~

~~ISD 709 will act with reasonable diligence to take action to investigate, respond, remediate and discipline all complaints, either formal or informal, oral or written, of improper actions or statements which may constitute harassment and violence as defined in this policy and Regulation 4015R. Furthermore, ISD 709 intends to provide support for students identified as the victims of these acts in compliance with Minn. Statute Sections 121A.0695.~~

~~A report will be given to the School Board at the regular meeting in July, a summary of the number of harassment complaints, types of complaints and the action taken to resolve the complaint. This will be done without releasing any case specifics, information or personnel data.~~

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

~~Cross References: Resolution 413R (Prohibiting Harassment and Violence)  
Resolution 413.1R (Harassment Complaint Form)~~

~~Replacing: Policy 4015  
First Reading: 05-19-2015  
Adopted: 06-16-2015  
**04-19-2016 ISD 709 (Renumbering only)**  
First Reading: 07-19-16  
Second Reading: 08-16-16~~



## ~~413R — PROHIBITING HARASSMENT AND VIOLENCE~~

### ~~I. — HARASSMENT AND VIOLENCE DEFINED~~

#### ~~A. — Sexual Harassment~~

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

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

~~This policy pertains to students and school personnel. It equally protects students and personnel of all genders from harassment.~~

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

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

#### ~~B. — Protected Groups Harassment~~

~~**Protected Groups:** Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age,~~

~~Gender Identity, Gender Expression, and Any and All Other Protected Groups as identified by state and/or federal statute.~~

~~**Definition.** Harassment consists of physical or verbal conduct relating to an individual's membership or perceived membership in a protected group when the conduct:~~

- ~~1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;~~
- ~~2. Has the purpose or effect of substantially interfering with an individual's work, business, or academic performance; or~~

### ~~C. General Harassment~~

~~**Definition.** General harassment is defined as unwelcome repeated conduct or communication directed towards an individual which:~~

- ~~1. Has the purpose or effect of creating an intimidating, hostile, or offensive work, business, or academic environment;~~
- ~~2. Has the purpose or effect of substantially interfering with an individual's work, business, or academic performance.~~

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

### ~~D. Sexual Violence~~

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

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

### ~~E. Protected Groups Violence~~

~~**Protected Groups:** Race, Color, Creed, Religion, National Origin, Sex, Marital Status, Disability, Status with Regard to Public Assistance, Sexual Orientation, Age, Gender Identity, Gender Expression, and Any and All Other Protected Groups as identified by state and/or federal statute.~~

~~**Definition.** Violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, his/her membership or perceived membership in a protected group.~~

## **~~F. Assault~~**

**~~Definition.~~** Assault is:

- ~~1. An act done with intent to cause fear in another of immediate bodily harm or death;~~
- ~~2. The intentional infliction of or attempt to inflict bodily harm upon another; or~~
- ~~3. The threat to do bodily harm to another with present ability to carry out the threat.~~

## **~~II. RETALIATION~~**

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

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

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

## **~~III. CONFIDENTIALITY~~**

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

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

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

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

~~Any person who believes they have been the victim of sexual, sexual orientation, ethnic/racial, religious, and/or disability harassment or violence by a pupil or other~~

~~school personnel of ISD 709, or any person with knowledge or belief of conduct which may constitute sexual, sexual orientation, ethnic/racial, religious, or disability harassment or violence toward a pupil or school personnel should report the alleged acts immediately to an appropriate ISD 709 official designated by this policy. Such persons are also encouraged to seek corrective action by telling the individual instigating the harassment to stop. Any third person with knowledge or belief of conduct, which may constitute sexual, sexual orientation, ethnic/racial, religious, or disability harassment or violence should report the alleged acts to an appropriate ISD 709 official as designated by this policy. ISD 709 encourages the reporting party or complainant to use the report form available from the principal of each building or available from the ISD 709 office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to the Senior Human Resources Manager or to the Superintendent.~~

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

~~**B. Reporting the Complaint.**~~

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

~~statement of the alleged facts will be forwarded as soon as possible by the principal to the Senior Human Resources Manager. If the complaint was given verbally, the principal shall personally reduce the report to written form and file it with the Senior Human Resources Manager within 24 hours. Failure of the principal or other adult ISD 709 personnel to forward any harassment or violence report or complaint as provided herein may result in investigation and disciplinary action as appropriate.~~

- ~~9. If the report involves the building principal, it should be made or filed directly with the Superintendent or the Senior Human Resources Manager.~~
- ~~10. Failure to act on a report involving ISD 709 personnel will result in an investigation and disciplinary action as appropriate.~~

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

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

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

- ~~1. **Early Resolution.** Early Resolution allows the parties (complainant and respondent an opportunity to resolve the complaint with a third party mediator. If both parties are willing to try this approach, and it is determined that early resolution is appropriate, mediation will be conducted. The scope and intent of mediation is to get the parties to understand each other, clarify the matter between them, and put an end to the alleged offensive behavior. It is not the mediator's role to determine fault or discipline, or damages.~~

~~The third party mediator will be agreed upon by both parties and is most often the Building Principal, Human Resources Manager, Climate Coordinator, or Designee with mediation training. Agreements to resolve the complaint must be agreed upon and signed by all at the conclusion of the mediation meeting. A summary will be written by the mediator, shared with both parties, and kept with the documented complaint in Human Resources separate from Duluth School District Employment Personnel Records.~~

~~It is within the mandate of the Mediator to receive and examine harassment complaints, to assist disputing parties in coming to resolution, and advise on actions needed to settle the complaint. Any alternative mediator or mediation process will be determined on a case by case basis and is subject to agreement by all parties including the Building Principal and/or Human Resources Manager, Climate Coordinator, or Designee.~~

~~If, after having contacted the third party, either party decides not to proceed with the early resolution approach, his/her wishes will be respected. If no~~

~~agreements are reached, or either party opts out of the mediation prior to agreements being made, the complaint will be processed subject to formal complaint procedures listed below.~~

## ~~2. Formal Process:~~

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

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

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

#### **VI. NON-EXCLUSIVITY**

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

#### **VII. INTENT**

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

#### **VIII. HARASSMENT VIOLENCE AS ABUSE**

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

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

**~~IX. DISSEMINATION OF POLICY AND TRAINING~~**

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

- ~~A. This policy, or a summary of this policy, shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members. ISD 709 shall conspicuously post the name of the Senior Human Resources Manager and Climate Coordinator contact information, including mailing address and telephone number in each ISD 709 school building.~~
- ~~B. This policy shall be made available in each principal's office and in the ISD 709 Office.~~
- ~~C. This policy shall appear in the student handbook.~~
- ~~D. All ISD 709 employees and students who subsequently become part of the educational community shall be informed of this policy during their orientation. All non student recipients of this policy, now or in the future, shall be required to sign an acknowledgment form indicating that they have read this policy, understand it, and agree to abide by it.~~
- ~~E. Each administrator shall be responsible for promoting understanding and acceptance, monitoring of, and compliance with state and federal laws, board policies, and procedures governing harassment and violence in his or her building.~~
- ~~F. ISD 709 will provide policy training, including discussions of this policy with students and school personnel.~~
- ~~G. This policy shall be reviewed at least annually for compliance with state and federal law.~~

~~Cross References: Policy 413 (Prohibiting Harassment and Violence)  
Resolution 413.IR (Harassment Complaint Form)~~

~~Replacing: Resolution 4015R~~

~~Accepted: 05-19-2015~~

~~**04-19-206 ISD709** (Renumbered only)~~



## **726 THE BIDDING PROCESS**

### **I. PURPOSE**

Bids, RFPs and quotes are obtained to ensure fair competition and transparency in the procurement process. Suppliers and/or contractors are invited to submit bids or proposals meeting predetermined specifications. This allows for evaluation of pricing and criteria to select the most suitable vendor.

### **II. IMPLEMENTATION OF POLICY**

#### Bids/Request for Proposals (RFPS)/Quote Specifications

Specifications must be drawn and bids solicited for any work to be performed under contract or for the purchase of material and supplies of \$175,000 or more. RFPs/Bids are obtained for contracts from \$25,000 to \$174,999 and quotes must be secured if the contract is \$24,999 or less. The Deputy Clerk of the School Board shall receive all bids and or RFPs and shall report the findings to the School Board. The School Board shall then indicate its decision on bids and or RFPs received at an official meeting of the School Board.

#### Advertising and Soliciting

All bids shall be advertised through the Business and Finance Office of the School District; the official media for advertising is the Duluth News-Tribune. Bid ads will be placed on consecutive Wednesdays for a minimum of two weeks. Additional notifications may be included in other appropriate publications.

#### Plans and Specifications

Subsequent to the approval by the School board, plans and specifications shall be disbursed to interested bidders by the District's designated project representative. A set of working plans and specifications will also be kept on file with the Director of Business and Finance and the District's designated project representative.

#### Time for Preparation of Bids

Minimum time periods for bidding are established by the District's designated project representative and Director of Business and Finance.

#### Receiving and Opening Bids

The School Board establishes the following guides to procedure for receiving construction and purchasing bids:

1. The District's designated project representative shall designate the time and place for receiving bids.
2. The bids will be received, opened, and tabulated in the presence of the following:
  - a. The District's designated project representative or a person designated by the District's designated project representative.
  - b. A person designated by the Deputy Clerk of the School Board will prepare a letter or memorandum to be included in the agenda of an HR/Business Services meeting, and followed by a regular School Board meeting.

Duluth Public Schools ISD 709 is committed to providing an environment of mutual respect with a goal to ensure a diverse workforce is considered. Therefore, the winning vendor of this contract understands and agrees that their company shall comply with all applicable laws relating to discrimination in employment and be welcoming of applicants of all genre, sexual orientation, age and race for employment with their company.

Rejection of Bids

Should the low bidder: (1) have bid in excess of the budget for the project, (2) be determined as not reliable, or (3) have failed to provide the necessary bid security, the bid shall be rejected through School Board action upon recommendation of the Business Services Committee. The School Board reserves the right to withhold the bidder's "good faith" guarantee if the bidder fails to meet the conditions of the submitted bid.

Withdrawal of Bids

The conditions under which a bidder may withdraw a bid shall be detailed in the plans and specifications of the project.

**Legal References:** Minn. Stat. 471.345 (Uniform Municipal Contracting Law)

**Cross References:** School District Contracting - Bid Laws

Adopted: 06-09-1970  
Revised: 06-20-1995  
First Reading: 04-15-2025  
Second Reading: 05-09-2025  
Adopted:

**726 THE BIDDING PROCESS**

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All bids shall be advertised through the Business and Finance Office of the School District; the official media for advertising is the Duluth News-Tribune. Bid ads will be placed on consecutive Wednesdays for a minimum of two weeks. Additional notifications may be included in other appropriate publications.

Plans and Specifications

Subsequent to the approval by the School board, plans and specifications shall be disbursed to interested bidders by the District’s designated project representative. A set of working plans and specifications will also be kept on file with the Director of Business and Finance and the District’s designated project representative.

Time for Preparation of Bids

Minimum time periods for bidding are established by the District’s designated project representative and Director of Business and Finance.

Receiving and Opening Bids

The School Board establishes the following guides to procedure for receiving construction and purchasing bids:

1. The District’s designated project representative shall designate the time and place for receiving bids.
2. The bids will be received, opened, and tabulated in the presence of the following:
  - a. The District’s designated project representative or a person designated by the District’s designated project representative.
  - b. A person designated by the Deputy Clerk of the School Board will prepare a letter or memorandum to be included in the agenda of an HR/Business Services meeting, and followed by a regular School Board meeting.

Duluth Public Schools ISD 709 is committed to providing an environment of mutual respect with a goal to ensure a diverse workforce is considered. Therefore, the winning vendor of this contract understands and agrees that their company shall comply with all applicable laws relating to discrimination in employment and be welcoming of applicants of all genre, sexual orientation, age and race for employment with their company.

Rejection of Bids

Should the low bidder: (1) have bid in excess of the budget for the project, (2) be determined as not reliable, or (3) have failed to provide the necessary bid security, the bid shall be rejected through School Board action upon recommendation of the Business Services Committee. The School Board reserves the right to withhold the bidder's "good faith" guarantee if the bidder fails to meet the conditions of the submitted bid.

Withdrawal of Bids

The conditions under which a bidder may withdraw a bid shall be detailed in the plans and specifications of the project.

**Legal References:** Minn. Stat. 471.345 (Uniform Municipal Contracting Law)

**Cross References:** School District Contracting - Bid Laws

Adopted: 06-09-1970 ISD 709  
Revised: 06-20-1995 ISD 709  
First Reading: 04-15-2025

## **7070726 THE BIDDING PROCESS**

### **I. PURPOSE**

Bids, RFPs and quotes are obtained to ensure fair competition and transparency in the procurement process. Suppliers and/or contractors are invited to submit bids or proposals meeting predetermined specifications. This allows for evaluation of pricing and criteria to select the most suitable vendor.

#### Bids/RFPs/Quote Specifications

Specifications must be drawn and bids solicited for any work to be performed under contract or for the purchase of material and supplies of \$175,000 or more. RFPs/Bids are obtained for contracts from \$25,000 to \$174,999 and quotes must be secured if the contract is \$24,999 or less. The Deputy Clerk of the School Board shall receive all bids and or RFPs and shall report the findings to the School Board. The School Board shall then indicate its decision on bids and or RFPs received at an official meeting of the School Board.

#### Advertising and Soliciting

All bids shall be advertised through the Business and Finance Office of the School District; the official media for advertising is the Duluth News-Tribune. Additional notifications shall be included in other appropriate publications.

#### Plans and Specifications

Subsequent to the approval by the School Board, plans for the project shall be disbursed to interested bidders by the architect. Two sets of working plans and specifications shall be delivered to the Director of Business and Finance.

#### Time for Preparation of Bids

Minimum time periods for bidding are established by the Director of Business and Finance and the architect.

#### Receiving and Opening Bids

The School Board establishes the following guides to procedure for receiving construction and purchasing bids:

1. The **Deputy** Clerk of the School Board shall designate the time and place for receiving bids.
2. The bids will be received, opened, and tabulated in the presence of the following:
  - a. The **Deputy** Clerk of the School Board or a person designated by him/her, in writing, who shall serve as chairman.
  - b. A person designated by the **Deputy** Clerk of the School Board to record the minutes, and such minutes shall be reported to the School Board at the next regular School Board meeting.
  - c. The purchasing agent or a person designated by him/her.

#### Rejection of Bids

Should the low bidder: (1) have bid in excess of the budget for the project, (2) be determined as not reliable, or (3) have failed to provide the necessary bid security, the bid shall be rejected through School Board action upon recommendation of the Business Services Committee. The School Board reserves the right to withhold the bidder's "good faith" guarantee if the bidder fails to meet the conditions of the submitted bid.

Withdrawal of Bids

The conditions under which a bidder may withdraw a bid are detailed in the specifications for the general construction work (DBS 7233).

**Legal References:**    ~~MSA-123.37~~  
                              Minn. Stat. A 471.345 (Uniform Municipal Contracting Law)

Adopted:            06-09-1970 ISD 709

Revised:           06-20-1995 ISD 709

## **110 DULUTH PUBLIC SCHOOLS WEBSITE ACCESSIBILITY POLICY**

### **I. PURPOSE OF POLICY**

~~In order to comply with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990, websites must meet the Web Content Accessibility Guidelines (WCAG) as instituted by the World Wide Web Consortium (W3C). Those schools not complying are subject to official complaints from the U.S. Department of Education Office for Civil Rights, fines from the U.S. Department of Justice, and further legal action.~~

~~As part of the WCAG 2.0<sup>1</sup> specification to make school websites accessible and ADA compliant, Duluth Public Schools is required to make public its Web Accessibility Policy.~~

Duluth Public Schools recognizes its responsibility to ensure that all individuals, regardless of disability, can access the information and services provided on our websites. This policy establishes a framework for achieving and maintaining website accessibility, in accordance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990. By adhering to the Web Content Accessibility Guidelines (WCAG) set forth by the World Wide Web Consortium (W3C), we strive to create an accessible and user-friendly online experience for all students, caregivers, and members of the community.

### **II. GENERAL STATEMENT OF POLICY**

The Duluth Public Schools is committed to ensuring accessibility of its website for students, caregivers, and members of the community with disabilities. All pages on the Duluth Public Schools website will conform to the W3C Web Accessibility Initiative's (WAI) Web Content Accessibility Guidelines (WCAG) 2.0<sup>1</sup>, Level AA conformance, or updated equivalents of these guidelines.

The Superintendent, or designee, is directed to establish procedures whereby students, families, caregivers, and members of the public may present a complaint regarding a violation of the Americans with Disabilities Act (ADA), Section 504 and Title II related to the accessibility of any official District web presence which is developed by, maintained by, or offered through the District or third party vendors and open sources.

### **III. WEBSITE ACCESSIBILITY**

With regard to the Duluth Public Schools website and any official Duluth Public Schools web presence which is developed by, maintained by, or offered through third party vendors and open sources, the Duluth Public Schools is committed to compliance with the provisions of the Americans with Disabilities Act (ADA), Section 504 and Title II so that students, families, caregivers and members of the public with disabilities are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use; and that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any Duluth Public Schools programs, services, and activities delivered online.

All existing web content produced by the Duluth Public Schools, and new, updated and existing web content provided by third-party developers, will conform to Web Content Accessibility Guidelines (WCAG) 2.0<sup>1</sup>, Level AA conformance, or updated equivalents, ~~by October 31, 2018. This Regulation applies to all new, updated, and existing web pages, as well as all web content produced or updated by the Duluth Public Schools or provided by third party developers.~~

### **IV. WEBSITE ACCESSIBILITY CONCERNS, COMPLAINTS AND GRIEVANCES**

A student, parent, caregiver or member of the public who wishes to submit a complaint or grievance regarding a violation of the Americans with Disabilities Act (ADA), Section 504 or Title II related to the accessibility of any official Duluth Public Schools web presence that is developed by, maintained by, or offered through the Duluth Public Schools, third party vendors and/or open sources may contact the **communications department**, Superintendent's Office by calling 218-336-8752 or by completing the online Website Accessibility Complaint/Request Form. The Superintendent, or designee, shall immediately investigate the complaint or grievance.

Whether or not a formal complaint or grievance is made, once the Duluth Public Schools has been notified of inaccessible content, that content will be made available in an accessible format to the reporting party as soon as possible.

Complaints should be submitted in writing, via email, by completing the [website complaint form](#) or by **phone:** calling the Superintendent's Office at 218-336-8752.

- Phone: 218-336-8735
- Email: [info@isd709.org](mailto:info@isd709.org)
- Mail: 709 Portia Johnson Drive, Duluth, MN 55811

The formal ADA non-compliance complaint should include the following:

- Name
- Address
- Date of the Complaint
- Description of the problem encountered
- Web address or location of the problem page
- Solution desired
- Contact information in case more details are needed (email and phone number)

The ADA non-compliance complaint or grievance will be investigated by the Superintendent's Office or another person designated by the Superintendent. The student, parent, caregiver, or member of the public shall be contacted no later than five (5) working days following the date the Superintendent's Office receives the information. The procedures to be followed are:

- An investigation of the complaint shall be completed within fifteen (15) working days. Extension of the timeline may only be approved by the Superintendent.
- The investigator shall prepare a written report of the findings and conclusions within five (5) working days of the completion of the investigation.
- The Superintendent or designee shall contact the Complainant upon conclusion of the investigation to discuss the findings and conclusions and actions to be taken as a result of the investigation.
- A record of each ADA non-compliance complaint and grievance made pursuant to Policy 110 shall be maintained at the Duluth Public Schools **Assistant Superintendent's** office. The record shall include a copy of the complaint or grievance filed, report of findings from the investigation, and the disposition of the matter.

**Cross References:** W3C Web Accessibility Initiative (WAI) <https://www.w3.org/WAI/>

New Policy  
Replacing: None  
First Reading: 07-17-2018



Adopted: 08-21-2018  
First Reading: 03-15-2022  
Second Reading: 04-05-2022  
Revision Approved: 04-26-2022

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**Cross References:** **W3C Web Accessibility Initiative (WAI) <https://www.w3.org/WAI/>**

New Policy  
Replacing: None  
First Reading: 07-17-2018  
Adopted: 08-21-2018  
First Reading: 03-15-2022  
Second Reading: 04-05-2022  
Revision Approved: 04-26-2022

## **407 EMPLOYEE RIGHT TO KNOW – EXPOSURE TO HAZARDOUS SUBSTANCES**

### **I. PURPOSE**

The purpose of this policy is to provide school district employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. (Minn. Stat. § 182.653, Subd. 2)

### **II. GENERAL STATEMENT OF POLICY**

The policy of this school district is to provide information and training to employees who may be “routinely exposed” to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen.

### **III. DEFINITIONS**

- A. “Commissioner” means the Commissioner of Labor and Industry.
- B. “Routinely exposed” means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been spilled.
- C. “Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:
  - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations; or
  - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
  - 3. is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.
- D. “Harmful physical agent” means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes, but is not limited to, radiation, whether ionizing or nonionizing.
- E. “Infectious agent” means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which, according to documented medical or scientific evidence, causes substantial acute or chronic illness or permanent disability as a foreseeable and direct

result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

- F. "Blood borne pathogen" means a pathogenic microorganism that is present in human blood and can cause disease in humans. This definition includes, but is not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

#### **IV. TARGET JOB CATEGORIES**

Annual training will be provided to all full- and part-time employees who are "routinely exposed" to a hazardous substance, harmful physical agent, infectious agent, or blood borne pathogen as set forth above.

#### **V. TRAINING SCHEDULE**

Training will be provided to employees before beginning a job assignment as follows:

- A. Any newly hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be "routinely exposed" under the above guidelines.

**Legal References:** Minn. Stat. Ch. 182 (Occupational Safety and Health)  
Minn. Rules Ch. 5205 (Safety and Health Standards)  
Minn. Rules Ch. 5206 (Employee Right to Know Standards)  
29 C.F.R. § 1910.1050, App. B (Substance Technical Guidelines)

**Cross References:** MSBA/MASA Model Policy 420 (Students and Employees with Sexually Transmitted Infections and Diseases and Certain Other Communicable Diseases and Infectious Conditions)  
MSBA/MASA Model Policy 807 (Health and Safety Policy)

New:  
Replacing: Policy 4041  
First Reading: 03-19-19  
Second Reading: 04-23-19  
Adopted: 04-23-19 – ISD 709  
Reviewed:

**604.2R New Elective Courses in Secondary Schools**

**Statement**

In the interest of providing a systematic process for proposing and implementing new elective courses in the secondary schools, the following process shall be followed:

1. No new course may be offered by any school until it has been approved through the new course approval process.
2. The proposed course is discussed and reviewed by the appropriate curriculum committee and the committee will recommend the course to be offered or recommend the course not to be offered. Committees are encouraged to consult with secondary principals before submitting a proposal.
3. The Content Specialist, in collaboration with committee member(s), responsible for overseeing the content area of the new course will submit a course proposal that includes:
  - a. the relationship of the proposed course to the current curriculum,
  - b. student learner outcomes for the course,
  - c. sustainability of appropriately licensed staff,
  - d. and the appropriate materials or textbooks required to teach the course.
4. An assessment will subsequently be made as to the impact on the current elective courses, existing instructional programs, and school district budget.
5. The Director of Secondary Education, along with any other necessary secondary administrators and staff, will review the course proposal and assessment considerations and make a final recommendation to the Superintendent and School Board.

Courses offered at one traditional high school or middle school must be offered to students at the other traditional high school or middle school through the course catalog.

The School Board shall approve all newly created elective courses before they are offered in the course catalog.

Adherence to the above process will aid the School District in providing equity among the schools in learning opportunities for students, enhance the importance of curriculum, and assure that there will be proper support for new courses.

## ~~6110 — NEW ELECTIVE COURSES IN SECONDARY SCHOOLS~~

~~In the interest of providing a systematic process for proposing and implementing new elective courses in the secondary schools, the following process shall be followed:~~

- ~~1. The proposed course is discussed and reviewed with the Director of Curriculum, Instruction & Assessment by the principal.~~
- ~~2. Relationship of the proposed course to the current curriculum shall be identified.~~
- ~~3. Student learner outcomes for the course will accompany the proposal.~~
- ~~4. The appropriate curriculum committee or advisory committee will review and recommend the course to be offered or recommend the course not be offered.~~
- ~~5. Funds for the textbooks and/or materials are requested from the Director of Curriculum, Instruction & Assessment who enters the request in the budget process.~~
- ~~6. Appropriate materials or textbooks are selected through a defined selection process.~~
- ~~7. An assessment will subsequently be made as to the impact on current elective courses.~~
- ~~8. A procedure to evaluate the course will be identified as part of the course proposal.~~

~~Courses that are currently offered at one school can be duplicated at another school upon the approval of the Director of Curriculum, Instruction & Assessment.~~

~~The School Board shall approve all newly created elective courses before they are offered in the schools' course description books.~~

~~Adherence to the above process will aid the School District in providing equity among the schools in learning opportunities for students, enhance the importance of curriculum and/or advisory committees, and assure that there will be proper support for new courses.~~

~~Adopted: 06-13-89 ISD 709  
06-20-95 ISD 709~~

## 407R EMPLOYEE RIGHT-TO-KNOW PROGRAM

### A. Written Employee Right-to-Know Program

1. Purpose: The Written Employee Right-to-Know Program places the needed emphasis on identifying and communicating the presence of hazardous substances in the product and processes used in the work environment of the School District.
2. This program meets the requirements of the Employee Right-to-Know Law in the areas of:
  - a. Hazard Inventory
  - b. Labels and Warnings
  - c. ~~Materials~~-Safety Data Sheets (MSDS)
  - d. Employee Information and Training
3. The written program is posted ~~on the staff portal of the district website on the Health & Safety page, in all teachers' lounges and in each Material-Safety Data Sheets (MSDS)-book~~ are available on an online platform that is linked on the staff website on the Health & Safety page and via QR code access in chemical storage areas. Copies of the program are available from the ~~Employee Right to Know (ERK) Health, Safety, and Environmental (HSE) Coordinator at the Central Administration Facilities Building~~ for review by any interested party.
4. The Purchasing Department shall ~~request~~ **require** that all vendors send ~~two copies a~~ **copy** of the ~~Material-Safety Data Sheets~~ for the hazardous substances that they sell to the School District.
5. The Storekeeper, located in the School District storeroom, will verify that all containers received for use within the School District will:
  - a. Be clearly labeled as to the contents
  - b. Note the appropriate hazard warning
  - c. Forward any ~~MSDS's~~ **SDSs** to the ~~Employee Right to Know~~ **HSE** Coordinator
6. The custodians and building engineers in each work building will ensure that all secondary containers are labeled with:
  - a. The product name
  - b. Manufacturer's name, address, and phone number
  - c. Appropriate hazard warnings

The ~~ERK~~ **HSE** Coordinator in the ~~Physical Plant Department at the Central Administration Facilities Building~~ has the labels which meet these requirements and are available upon request.
7. The ~~ERK~~ **HSE** Coordinator will assist any work area with special labeling. ~~ERK~~ **HSE** Coordinator is also responsible for reviewing and ~~up-dating~~ **updating** the labeling when required.

### B. Material-Safety Data Sheets



1. The ERK HSE Coordinator shall assemble one master file for all MSDS's SDSs and product letters in an electronic database which is sorted ~~the Physical Plant Department at the Central Administration Building by the following site and~~ departments: ~~Industrial Arts, Sciences, Fine Arts, Transportation, Buildings and Grounds/Agriculture, Food Services/Home Economics, and Administrative/General.~~
2. The ERK HSE Coordinator is responsible for obtaining and maintaining the MSDS SDS system for the School District. The coordinator will review incoming MSDS's SDSs to verify entry into the electronic database. The electronic database automatically updates with the most current version of the SDS. Employees are responsible for periodically verifying the SDS information of the hazardous materials they use. ~~for new and/or changes in significant health and safety information every year. This new or significant information will be given to the appropriate department heads for dissemination to affected employees.~~
3. The ERK HSE Coordinator will keep a complete list of all products that contain hazardous chemicals. MSDS's SDSs will also be obtained and kept on file for products not containing hazardous ingredients, if the letter/ MSDS SDS so states.
4. Each individual ~~ordering/purchasing~~ using a hazardous substance or agent is required to ~~obtain an MSDS book, a list~~ review the SDSs of hazardous products used within that work area.

C. New Employee Orientation

1. The ERK HSE Coordinator is responsible for assuring that the Written Employee Right-to Know Program is included in the New Employee orientation packet.
2. The Human ~~and Community Resources and Relations~~ Department will be responsible for assigning a new employee to the appropriate training session.
3. The ERK HSE Coordinator will also inform the new employee of ~~where the~~ how to access the list of hazardous products ~~is posted~~ within that work area.

D. Employee Training

1. The ERK HSE Coordinator is responsible for the coordination of training and educational programs that:
  - a. Provide general awareness of the Written Employee Right-to-Know Program to all employees
  - b. Review the chemicals present in the work-place and show the employee how to handle and store them properly.
  - c. Show how to use personal protective equipment when handling chemicals.
  - d. Provide general training on chemicals in specific classes or families.
  - e. Develop work habits and procedures to lessen exposure to hazardous substances.
  - f. Show how to read labels and MSDS's SDSs to obtain appropriate hazardous information.
  - g. Provide information on new products that have hazardous substances.

The ERK HSE Coordinator is responsible for maintaining records to assure that all employees receive the necessary training.

E. Hazardous Non-Routine Tasks

The Facilities Manager or Supervisor of Operations and Energy Management ~~Maintenance and Construction~~ is responsible for providing information to the ERK HSE Coordinator about any hazardous chemicals to which an employee may be exposed during the performance of a non-routine task. A non-routine task is defined as one that is performed by an employee not as part of the usual daily or weekly work routine. An example would be chemically washing down the walls of a work space twice a year.

F. Informing Contractors and/or Temporary Employees

1. Temporary Employees - will be treated as new employees and must be provided all of the orientation and training required of a new employee placed in a work area of the School District where products that are used contain hazardous ingredients. This will be ~~done through~~ coordinated by the ERK HSE Coordinator ~~and the Physical Plant Office~~.
2. Sub-Contractors
  - a. The Physical Plant Offices are responsible for providing sub-contractors with a copy of the Written Employee Right-to-Know Program and the information about any hazardous chemicals to which the sub-contractor and its employees may be exposed while on the job.
  - b. ~~The Physical Plant Offices~~ Facilities Department ~~are~~ is responsible for obtaining information and ~~MSDS's~~ SDSs about hazardous substances that the sub-contractor will bring onto School District property. The ERK HSE Coordinator will disseminate this information to the affected employees.

Adopted: 09-08-1992 ISD 709  
Revised: 06-20-1995 ISD 709  
05-21-2019 ISD709 (Renumbered only from 4041R)

Name of Person Filing Complaint (Complainant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ (Home) \_\_\_\_\_ (School/Work Location)

Status of Person Filing the Complaint:  Student  Employee  Parent  Other \_\_\_\_\_ (Specify)

Type of Complaint:  Sexual  General  Protected Group (select group from list below)

Protected Group:  Race  Color  Creed  Religion  National Origin  Sex  Age  Marital Status  Disability  
 Public Assistance  Sexual Orientation  Gender Identity/Expression  Familial Status  Other Protected Group

Name of Person You Are Reporting (Respondent): \_\_\_\_\_

Status of Person You Are Reporting:  Student  Employee  Parent  Other \_\_\_\_\_ (Specify)

Statement of Complaint (Include type of harassment/violence, who was involved in the specific incidents in which it occurred, names of witnesses, etc.): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on reverse side or attach pages as needed.)

**I UNDERSTAND THAT IN ACCORDANCE WITH DISTRICT POLICY #413, INDEPENDENT SCHOOL DISTRICT 709 WILL ADDRESS THIS COMPLAINT.**

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Person Receiving The Complaint: \_\_\_\_\_ Date Received: \_\_\_\_\_

Printed Name of Person Receiving The Complaint: \_\_\_\_\_

Name of Building Administrator (if different from person receiving initial complaint): \_\_\_\_\_

Original to Human Resources Date Distributed: \_\_\_\_\_  
(Human Resources will distribute a copy to the District's Climate Coordinator)

Copies Distributed To:  Building Administrator Date Distributed: \_\_\_\_\_

**(To be completed by Human Resources)**  
REPORT NUMBER: Year: \_\_\_\_\_ Building Code: \_\_\_\_\_ Number In Sequence By Year: \_\_\_\_\_

**STUDENT RECORD UPDATE FORM**

**PLEASE PRINT**

CURRENT STUDENT NAME (First / Middle / Last) : \_\_\_\_\_

DATE OF REQUEST: \_\_\_\_\_

STUDENT ID# \_\_\_\_\_ SCHOOL \_\_\_\_\_

STUDENT AGE \_\_\_\_\_ DATE OF BIRTH \_\_\_\_\_

PLEASE ADD TO OR CHANGE THE FOLLOWING IN THE STUDENT RECORD:

UPDATED STUDENT NAME (First / Middle / Last): \_\_\_\_\_

GENDER (Required by the State of Minnesota):  Female  Male

PRONOUNS FLAG:  She/Her/Hers  He/Him/His  They/Them/Their  Write-in: \_\_\_\_\_

EMAIL and HOUSEHOLD RELATIONSHIPS (Change to reflect Updated Student Name)  Yes  No

- These change(s) are being requested because the student consistently identifies as the name and/or gender requested above.
- I understand that this form does not constitute a legal name and/or gender change and that this form only changes the name and/or gender of the student as reflected in the student records system.
- I understand that this form does not change the name used for "legal documents" including state testing processes.
- I understand that the student's original name and/or gender will be retained in the history of the student records system.
- I understand that the State of Minnesota presently requires a gender of either "Female" or "Male" for state reporting purposes.
- I understand that changing my name and/or gender may complicate future record requests.
- I authorize release of the student's original and updated name/gender to authorized parties as part of student records requests.
- I understand the use of this form to indicate specific pronouns results in a "flag" in student records system. This "flag" will be visible to staff directly working with the student to review, listing pronouns.
- I understand that the elements of obscenity, health, and safety may be considered as legitimate causes for denial of my request.
- I understand that request to change the student's last name requires a court order or an updated birth certificate.

By signing and submitting this form, I request Duluth Public Schools change the name and/or gender of the student listed above.

\_\_\_\_\_  
PRINT PARENT / GUARDIAN NAME(S)  
(required for students under age 18)

\_\_\_\_\_  
PARENT / GUARDIAN SIGNATURE(S)  
(required for students under age 18)

\_\_\_\_\_  
PRINT STUDENT NAME  
(Always ask, required for students over age 18)

\_\_\_\_\_  
STUDENT SIGNATURE  
(Always ask, required for students over age 18)

**Parent or Student: Submit form to Building Principal for approval**

-----  
For Office Use Only

\_\_\_\_\_  
**PRINCIPAL SIGNATURE & Date (effective date)**  
(Indicates approval to make requested additions or changes)

**Building Secretary:** Submit approved record updates to [census@isd709.org](mailto:census@isd709.org)  
**Building Secretary:** Add flag and pronouns to student records system

**ATTACHMENT H**

**— ACKNOWLEDGMENT —**

**GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION (FMCSA) DRUG AND ALCOHOL CLEARINGHOUSE**

I, \_\_\_\_\_, hereby provide consent to Duluth Public Schools ISD 709 (“the District”) to conduct a limited query of the FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse (“Clearinghouse”) to determine whether drug or alcohol violation information about me exists in the Clearinghouse for the duration of my employment with the District.

I understand that if the limited query conducted by the District indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the District without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the District to conduct a limited query of the Clearinghouse, the District must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA’s drug and alcohol program regulations.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Employee/Applicant*

\_\_\_\_\_  
*Typed or Printed Name*

Name of Person Filing Complaint (Complainant): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ (Home) \_\_\_\_\_ (School/Work Location)

Status of Person Filing the Complaint:  Student  Employee  Parent  Other \_\_\_\_\_ (Specify)

Status of Person You Are Reporting:  Student  Employee  Parent  Other \_\_\_\_\_ (Specify)

Name of Person You Are Reporting (Respondent): \_\_\_\_\_

Statement of Complaint (Include who was involved in the specific incidents in which it occurred, names of witnesses, etc.):

\_\_\_\_\_  
(Continue on reverse side or attach pages as needed.)

**I UNDERSTAND THAT IN ACCORDANCE WITH DISTRICT POLICY #103, INDEPENDENT SCHOOL DISTRICT 709 WILL ADDRESS THIS COMPLAINT.**

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Person Receiving The Complaint: \_\_\_\_\_ Date Received: \_\_\_\_\_

Printed Name of Person Receiving The Complaint: \_\_\_\_\_

Name of Building Administrator (if different from person receiving initial complaint): \_\_\_\_\_

Original to Human Resources Date Distributed: \_\_\_\_\_  
(Human Resources will distribute a copy to the District's Climate Coordinator)

Copies Distributed To:  Building Administrator Date Distributed: \_\_\_\_\_

**(To be completed by Human Resources)**  
REPORT NUMBER: Year: \_\_\_\_\_ Building Code: \_\_\_\_\_ Number In Sequence By Year: \_\_\_\_\_