

415.00.1 Harassment, Violence, and Other Offensive Behavior

Saint Paul Public Schools (“District”) commits to supporting and maintaining a respectful learning and work environment that is free from discrimination, harassment, violence, and other offensive behavior based on an individual’s race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability.

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

Definitions

a. Disability

An individual with a disability is an individual who (1) has a physical or mental impairment which substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. This includes students who are protected by Title II of the Americans with Disabilities Act and/or Section 504 of the Rehabilitation Act of 1973.

b. Discrimination

Discriminate or discrimination includes all unequal treatment of any individual by reason of race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability. For purposes of discrimination based on sex, it includes sexual harassment.

c. Harassment

Harassment means unwelcome physical or verbal conduct, or communication directed at an individual, (1) that is based on an individual’s race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability and (2) that has the purpose or effect of creating an environment that is intimidating, hostile, or offensive with respect to that individual or that otherwise adversely affects the individual’s

employment, educational opportunities, or access to a benefit from the District.

- i. Harassing conduct may take many forms including, but not limited to, verbal acts and name-calling, as well as nonverbal behavior that is physically threatening, harmful, or humiliating. Harassment includes the use of derogatory language, intimidation, and threats; unwanted physical contact or physical violence and the use of derogatory language and images in graffiti, pictures, drawings, notes, emails, electronic postings, and/or phone or text messages related to an individual's membership in a protected class. Harassment includes behavior that may not be directed at a particular individual, but may consist of harassing conduct that creates a hostile environment for students, school district personnel and the school district community.
- ii. Conduct is unwelcome if the student or person did not request or invite it and considered the conduct to be undesirable or offensive. Submission or failure to complain does not mean that the conduct was welcome.

d. Prohibited Conduct

Prohibited conduct means discrimination, harassment, violence, or other offensive behavior prohibited by Policy 102.00, Policy 415.00, or these procedures.

e. Protected Class

Students, school district personnel, or third parties have protected class status if they belong to or are perceived to belong to a group status based upon race, creed, sex, marital status, national origin, age, color, religion, ancestry, status with respect to public assistance, sexual or affectional orientation, gender identity and expression, familial status, or disability.

f. Racial or Religious Harassment

Racial or religious harassment consists of physical or verbal conduct or communication relating to an individual's race or religion when the conduct:

- i. Has the purpose or effect of creating an intimidating, hostile, derogatory, or offensive employment, educational, or school district environment; or
- ii. Has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education; or otherwise adversely affects an individual's employment, educational opportunities, or access to a benefit from the school district.

g. Racial or Religious Violence

Racial or religious violence is a physical act of aggression or assault or the threat of aggression or assault upon another because of, or in a manner reasonably related to, race or religion. This act may also constitute a criminal law violation.

h. School District Personnel

School District Personnel includes District employees and school board members.

i. Sex-Based Harassment

i. Sex-based harassment includes both sexual harassment and gender-based harassment.

ii. Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other physical or verbal conduct or communication of a sexual nature when:

1. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment, educational, or school district environment;
2. 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 a benefit from the school district; or
3. 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 access to a benefit from the school district.

iii. Gender-Based Harassment

1. Gender-based harassment means non-sexual harassment of an individual because of the individual's sex, including harassment based on gender identity and expression. Gender-based harassment includes, but is not limited to, harassment based on the individual's nonconformity with gender stereotypes regardless of the actual or perceived sex, gender identity, or sexual orientation of the harasser or target of the harassment.

2. Gender stereotypes refer to stereotypical notions of masculinity and femininity or expectations of how boys or girls should act.

j. Sexual-Orientation Based Harassment

- i. Sexual-orientation based harassment means non-sexual harassment of an individual because of the individual's actual or perceived sexual orientation or association with or advocacy for individuals or groups who are lesbian, gay, bisexual or transgender ("LGBT").

ii. Sexual or Affectional Orientation

Sexual or affectional orientation means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

k. Sexual Violence

Sexual violence is a physical act of aggression or force or the threat of aggression or force which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts (as defined in Minn. Stat. § 609.341). This act may also constitute a criminal law violation.

l. Third Party

Third party includes adult volunteers, parents and guardians, vendors, contractors, and any other member of the school district community.

Reporting Complaints of Prohibited Conduct

For purposes of this procedure, the term "complaint" means any complaint, report, or other communication alleging "prohibited conduct."

Any student, school district personnel, or third party who believes he or she has experienced prohibited conduct or any student, school district personnel, or third party with knowledge or belief that such conduct has occurred must report the alleged conduct immediately, or as soon as possible, to the responsible administrator designated by this procedure.

Any student, school district personnel, or third party may report prohibited conduct anonymously. However, the District's ability to investigate or take action based on an anonymous complaint may be severely limited.

The District will consider all complaints whether written or oral. Students,

school district personnel, and third parties are encouraged to use the District's report form. The District's report form may be obtained from the principal of each building, the District office, and on the District's website. All oral complaints must be reduced to writing on the District's report form by the responsible administrator. The reporter/complainant shall attest to the accuracy of the written report/complaint.

The complaint must allege prohibited conduct that occurred not more than one year before the date the District received the complaint, unless the District determines that compelling circumstances justify the delay.

The District will provide an alternative means of filing a complaint upon request from a qualified individual with a disability.

If students are involved, the parent(s)/guardian(s) of students who are targets or alleged offenders of prohibited conduct should be notified of the complaint before the close of the current school day, but no later than two school days of the complaint being filed, unless otherwise directed by law enforcement or required by law. The District may elect to forgo notification if, in the District's professional judgment, notification is not warranted or is not appropriate. The parent(s)/guardian(s) of both the target and the alleged offender(s) must be notified if there is a physical assault, unless otherwise directed by law enforcement or required by law.

School district personnel who observe prohibited conduct against students should intervene to stop the conduct, unless doing so would be dangerous to school district personnel or anyone else involved. School district personnel who receive reports of alleged prohibited conduct or observe any prohibited conduct must report such conduct immediately, or as soon as possible, to the appropriate responsible administrator.

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 § 626.556 may be applicable.

Responsible Administrators

Any prohibited conduct should be reported to the appropriate responsible administrator as outlined below and as stated in Appendix A.

1. Students. A student who is the target of alleged prohibited conduct should make a complaint as follows:
 - a. If the alleged offender is a student, the conduct should be reported to the school principal. An alternative option is to report the conduct to the school's assistant superintendent.

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

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

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

Department of Education Office of Civil Rights (Region V), and the Equal Employment Opportunity Commission.

Investigation Procedures

Upon receipt of a complaint of alleged prohibited conduct, the responsible administrator will promptly undertake or authorize an investigation to be conducted by the responsible administrator or his or her administrative designee.

In handling a complaint and investigation, although confidentiality cannot be guaranteed, the District will respect the privacy of persons involved, as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

Pending the completion of the investigation process, the District will take steps to intervene and/or protect all parties involved as it deems necessary and consistent with law.

The investigation will be completed within 30 business days from receipt of the complaint, unless it is impracticable to complete the investigation within this timeframe. A final determination of appropriate action will follow after the investigation is complete.

The investigation may, as appropriate, consist of interviews with the alleged target, the complainant, the alleged offender(s), and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also include, but need not be limited to, a search for and review of physical or electronic documents, data, and evidence.

In determining whether alleged conduct constitutes a violation of District policy, the District will consider the facts and surrounding circumstances, the nature of the conduct, past incidents, 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 District policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence standard.

District Action and/or Intervention

Upon completion of the investigation, the responsible administrator or his or her administrative designee must make a written report. If the subject of the complaint is a school district personnel member or third party, the report must be filed directly with the Executive Director of Human Resources. If the

subject of the complaint is a student, the report must be filed directly with the assistant superintendent.

The report will include the facts, a determination of whether the allegations have been substantiated by a preponderance of the evidence, and whether a violation of District policy has occurred.

If the complaint of alleged prohibited conduct is substantiated, the District may take appropriate action and/or intervention. Any action and/or intervention must be consistent with the requirements of applicable laws, labor agreements, and District policies. Such action may include, but is not limited to:

- Training;
- Counseling;
- Warning;
- Suspension or other discipline;
- Transfer;
- Remediation; and/or
- Restitution.

All action and/or interventions will be designed to minimize the burden on the target's learning and/or work environment. Such actions and/or interventions may include, but are not limited to:

- Separation of parties;
- Providing any necessary medical or counseling referrals, including school nursing or school social worker services;
- Academic support; and/or
- Amendment of school records.

Any District action and/or intervention shall be documented in writing. Written notice of the outcome may be shared with the involved parties in accordance with data privacy laws, policies, and procedures. In general, copies of written reports and documentation will not be provided to involved parties unless required by law.

Retaliation Prohibited

Retaliation or threatened retaliation against a target, complainant, or witness who makes a good faith report of alleged prohibited conduct or against anyone who participates in an investigation is strictly prohibited.

LEGAL REFERENCES:

Minn. Stat. ch. 13 (Minnesota Government Data Practices Act)
Minn. Stat. ch. 363A (Minnesota Human Rights Act)
Minn. Stat. § 121A.031 (Safe and Supportive Minnesota Schools Act)
Minn. Stat. § 121A.03, subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
Minn. Stat. § 121A.04 (Athletic Programs; Sex Discrimination)
Minn. Stat. § 121A.40-.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 626.556 (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
20 U.S.C. § 1681 et seq. (Title IX)
20 U.S.C. § 1701 et seq. (Equal Educational Opportunities)
29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
29 U.S.C. § 794 et seq. (Rehabilitation Act)
42 U.S.C. § 2000c et seq. (Civil Rights Act-Public Education)
42 U.S.C. § 2000d et seq. (Title VI, Civil Rights Act-Federally Assisted Programs)
42 U.S.C. 2000e et seq. (Civil Rights Act-Equal Employment Opportunity)
42 U.S.C. ch. 126 (Americans with Disabilities Act)

CROSS REFERENCES TO DISTRICT POLICIES/PROCEDURES:

102.00 Equal Opportunity/Non-Discrimination
212.00 Complaints Against a Member of the Board of Education
415.00 Harassment, Violence and Other Offensive Behavior
505.00 Bullying Prohibition
304.04.00.3 Procedure: Access to Public Data
304.04.00.4 Procedure: Access to Data for Individual Data Subjects

FORMS

FORM 415.00.1F1 – Discrimination, Harassment, and Violence Reporting Form
FORM 415.00.1F2 – Responsible Administrator Checklist
FORM 415.00.1F3 – Human Rights Coordinator Checklist

Appendix A
Responsible Administrators

Title	Name	Email	Address	Telephone Number
School Principals	https://www.spps.org/Page/34143			
Assistant Superintendent of Elementary Schools	Efe Agbamu	efe.agbamu@spps.org	360 Colborne Street Saint Paul, MN 55102	651-767-8310
	Andrew Collins	Andrew.collins@spps.org	360 Colborne Street Saint Paul, MN 55102	651-767-8124
Assistant Superintendent of Middle Schools	Lisa Sayles-Adams	Lisa.sayles-adams.spps.org	360 Colborne Street Saint Paul, MN 55102	651-767-8158
Assistant Superintendent of High Schools	Theresa Battle	Theresa.battle@spps.org	360 Colborne Street Saint Paul, MN 55102	651-767-8318
Executive Director of Human Resources	Laurin Cathey	Laurin.Cathey@spps.org	360 Colborne Street Saint Paul, MN 55102	651-767-8202