

## **WOODBURY LEADERSHIP ACADEMY**

*Adopted: April 29, 2014*

*Revised: April 24, 1028*

### **413 HARASSMENT AND VIOLENCE**

#### **I. PURPOSE**

The purpose of this policy is to maintain a learning and working environment that is free from discrimination, 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.

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

- A. The policy of Woodbury Leadership Academy is to maintain a learning and working environment that is free from discrimination, 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. Woodbury Leadership Academy prohibits any form of discrimination, harassment, or 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.
- B. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of Woodbury Leadership Academy discriminates against a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school.)
- C. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of Woodbury Leadership Academy harasses a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school

personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy.

- D. A violation of this policy occurs when any pupil, teacher, administrator, or other school personnel of Woodbury Leadership Academy inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- E. Woodbury Leadership Academy will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who is 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. "Discriminate" includes segregate or separate. It also includes:

- 1. An "unfair discriminatory practice", as described in Minn. Stat. §§ 363A.13, 363A.14 and 363A.15; and
- 2. Any violation of federal laws prohibiting discrimination in education (including "Section 504 of the Rehabilitation Act of 1973" and the "Americans with Disabilities Act").

C. "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, 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.
- D. "Immediately" means as soon as possible but in no event longer than one regular student contact school day.
- E. Protected Classifications; Definitions
1. "Age" means the person is over the age of 25 years.
  2. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
    - a. Has a physical, sensory, or mental impairment which materially limits one or more major life activities;
    - b. Has a record of such an impairment; or
    - c. Is regarded as having such an impairment.
  3. "Familial status" means the condition of one or more minors being domiciled with:
    - a. Their parent or parents or the minor's legal guardian; or
    - b. The designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment 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.
  4. "Marital status" means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

5. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
6. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
7. “Sexual 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. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
8. “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.

F. Sexual Harassment; Definition

1. Sexual harassment consists of unwelcome sexual advances, request 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 or unreasonably 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 pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property;
- d. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. Unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. Unwelcome behavior or words directed at an individual because of gender.

G. Sexual Violence; Definition

- 1. Sexual violence is a physical act of aggression or force or the threat thereof which involves the touching of another's intimate parts, or forcing a person to touch any person's intimate parts. Intimate parts, as defined in Minn. Stat. § 609.341, includes the primary genital area, groin, inner thigh, buttocks, or breast, as well as the clothing covering these areas.
- 2. Sexual violence may include, but is not limited to:
  - a. Touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
  - 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; Definition

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

**IV. APPLICABILITY OF THIS POLICY**

- A. The antidiscrimination laws and this policy apply to all of the academic and nonacademic (e.g. athletic and extracurricular) programs of Woodbury Leadership Academy, whether conducted in school facilities or elsewhere.
- B. For purposes of this policy, any Woodbury Leadership Academy student who is discriminated or harassed against, including being subjected to violence, by students or Woodbury Leadership Academy employees or agents based upon that student's membership in a protected class may file a complaint as described more fully in section VI below.

**V. STAFF EXPECTATIONS**

- A. Teachers and staff at Woodbury Leadership Academy are expected to do the following to prevent and stop incidents of discrimination, harassment, or violence:
- B. Be alert for possible signs of discrimination, harassment, or violence;
- C. Any school employee who witnesses prohibited conduct and possesses reliable information that would lead a reasonable person to suspect that a student is a target of a prohibited conduct must make reasonable effort to intervene to stop the prohibited conduct unless circumstances would make such intervention dangerous; and
- D. Report any incident of discrimination, harassment, or violence to the Woodbury Leadership Academy's Executive Director.

**VI. COMPLIANCE OFFICER DESIGNATIONS, REPORTING PROCEDURES**

- A. Human Rights Office Designation

1. The Board of Directors of Woodbury Leadership Academy hereby designates the schools Executive Director as the school's Human Rights Officer to receive reports or complaints of discrimination, harassment, or violence.
2. The Human Rights Officer can be contacted at:  
Woodbury Leadership Academy's mailing address, phone number and the Executive Directors email address.
3. If the complaint involves the designated human rights officer, the complaint will be filed directly with the Executive Director to receive reports or complaints of discrimination, harassment, or violence.
4. Woodbury Leadership Academy shall conspicuously post the name of the human rights office(s), including mailing address, email address and telephone numbers.

**B. Reporting Procedures**

1. Any person who believes he or she has been the victim of discrimination, harassment, or 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 by a pupil, teacher, administrator, or other school personnel of Woodbury Leadership Academy, or any person with knowledge or belief of conduct which may constitute discrimination, harassment, or violence prohibited by this policy toward a pupil, teacher, administrator, or other school personnel or group of pupils, teachers, administrators, or other school personnel should report the alleged acts immediately to the Executive Director. Reports made to other employees will be provided to the Executive Director.
  2. Woodbury Leadership Academy encourages the reporting party or complainant to use the report form available from the Woodbury Leadership Academy office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting discrimination, harassment, or violence prohibited in this policy directly to the Executive Director or the school human rights officer.
- C. The Executive Director, or the Executive designee, is the person responsible for receiving oral or written reports of discrimination, harassment, or violence prohibited by this policy. Any adult school personnel who receives a report of discrimination,

harassment, or violence prohibited by this policy shall inform the Executive Director or the Executive Director's designee immediately. If the complaint involves the Executive Director, the complaint shall be made or filed directly with the Woodbury Leadership Academy human rights officer by the reporting party or complainant.

- D. Upon receipt of a report, the Executive Director must notify Woodbury Leadership Academy human rights officer immediately. The Executive Director may request, but may not insist upon, a written complaint.
  - 1. If the Executive Director fails to forward any discrimination, harassment, or violence report or complaint (written or oral) to the human rights officer within one school day, that individual will be subject to disciplinary action.
  - 2. If the report was given orally, the Executive Director will personally reduce it to written form no later than seventy-two (72) hours and forward it to the human rights officer.
- E. Woodbury Leadership Academy will establish a protocol for recording all incidents of discrimination, harassment, or violence prohibited by this policy.
- F. Submission of a good faith complaint or report of discrimination, harassment, or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades, or work assignments.
- G. Reports of discrimination, 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. Woodbury Leadership Academy 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 Woodbury Leadership Academy's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

## **V. INVESTIGATION**

- A. By authority of Woodbury Leadership Academy, the human rights officer, upon receipt of a report or complaint alleging discrimination, harassment, or violence prohibited by this policy, shall immediately undertake or authorize an investigation. The investigation



may be conducted by school officials or by a third party designated by Woodbury Leadership Academy.

- 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, Woodbury Leadership Academy 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. Based on the preponderance of the evidence, Woodbury Leadership Academy will determine whether the alleged conduct created an intimidating, hostile, or offensive educational environment
- E. In addition, Woodbury Leadership Academy may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators, or other school personnel pending completion of an investigation of alleged discrimination, harassment, or violence prohibited by this policy.
- F. The investigation will be completed as soon as practicable. Woodbury Leadership Academy human rights officer shall make a written report to the administration upon completion of the investigation. If the complaint involves the administration, 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 ACTION**

- A. Upon completion of the investigation, Woodbury Leadership Academy may take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and school policies.

- B. The result of Woodbury Leadership Academy's investigation of each complaint filed under these procedures will be reported in writing to the complainant by Woodbury Leadership Academy in accordance with state and federal law regarding data or records privacy.
- C. Depending on the severity and nature of the discrimination, harassment, violence, or other prohibited conduct, Woodbury Leadership Academy may take one or more of the following steps, as appropriate:
  - 1. Intervention, Warning, and Redirection. A teacher, principal, or staff member will ensure that the immediate behavior stops and reinforce to the student that discrimination, harassment, or violence will not be tolerated. The staff member will redirect the student and may help the student identify better choices the student can make in the future.
  - 2. Notification of Parents. School staff will notify the parents of involved students and inform affected students and parents of their rights under state and federal data practices law to obtain access to data related to the incident and their right to contest the accuracy or completeness of the data. The parents may be asked to meet with the Executive Director or other members of the school staff, including the student's teacher.
  - 3. Opportunity to Present Defense. The alleged perpetrator of the discrimination, harassment, violence or other prohibited conduct shall be allowed the opportunity to present a defense during the investigation or prior to the imposition of discipline or other remedial responses.
  - 4. Resolution with the Target of the discrimination, harassment, or violence. A student who violates this policy may be required to participate in appropriate resolution, including restorative justice activities.
  - 5. Referral to Professional School Support Staff. A student who violates this policy may be asked to meet with school staff to work on positive behavioral interventions to help prevent future violations.
  - 6. Adjustment in Student's Schedule. In cases of severe or repeated discrimination, harassment, or violence the student's schedule may be altered. This action will be designed to minimize the burden on the Target's educational program.

7. Loss of School Privileges. The student may lose recess for one or more days, may lose school privileges, or be suspended, as appropriate.
8. Suspension/ Expulsion. In cases of severe or repeated discrimination, harassment, or violence prohibited by this policy, the student may be suspended or expelled.
9. Staff Consequences. A Woodbury Leadership Academy employee who fails to immediately and appropriately address discrimination, harassment, or violence prohibited in this policy may be asked to participate in additional staff training or may be mentored unless circumstances would make such intervention dangerous. A staff member's repeated failure to address discrimination, harassment, or violent behavior prohibited in this policy may result in discipline up to and including discharge, as appropriate.
10. Community Resources. Woodbury Leadership Academy may provide information about available community medical and mental health resources to the target, actor, or other affected individuals.
11. Student with a Disability. The Student's individualized education program or section 504 plan may be used to address the skills and proficiencies the student needs to respond to or not engage in the prohibited conduct.
12. If the discrimination, harassment, or violent behavior or other prohibited conduct violates the law or any other school rules or policy, additional actions may be taken by Woodbury Leadership Academy against the student for the violation as appropriate.

## **VII. REPRISAL**

Woodbury Leadership Academy may discipline or take appropriate action against any pupil, teacher, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged discrimination, harassment, or violence prohibited by this policy or any person who testifies, assists, or participates in an investigation, or who testifies, assists, or participates in a proceeding or hearing relating to such discrimination, harassment, or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment.

## **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, 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 Minn. Stat. § 626.556 may be applicable.
- B. Nothing in this policy will prohibit Woodbury Leadership Academy 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 pupils and staff members.
- B. This policy shall be given to each school employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student handbook.
- D. Woodbury Leadership Academy will develop a method of discussing this policy with students and employees.
- E. Woodbury Leadership Academy 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, and resourcefulness.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.