

St. Odilia School Policy and Information Manual

5142.1 Harassment and Violence

1.0 Policy Statement

- 1.1 The purpose of this policy is to assist St. Odilia School in its goal to maintain a learning and working environment that is free from religious, racial, sexual or other harassment and violence.
- 1.2 It shall be a violation of this policy for any student, to **harass**, inflict, threaten to inflict, or attempt to inflict **violence** upon any student, teacher, Principal, volunteer or other school or parish personnel of a sexual nature or regarding religion or race as defined by this policy.
- 1.3 The Principal shall be responsible for understanding and acceptance of (and assuring compliance with) state and federal laws and the school policy governing harassment and violence within the school.
- 1.4 The Principal will act to investigate complaints, either formal or informal, verbal or written, of harassment or violence. The Principal will discipline or take appropriate action, any student who is found to have violated this policy.
- 1.5 St. Odilia School cannot monitor all activities and eliminate all incidents of harassment/violence between students, particularly when one or more of the students involved are not on school property, at school-related functions, and/or under the direct supervision of school personnel.
- 1.6 For incidents involving maltreatment of minors, refer to Policy No. 5142 “Maltreatment of Minors”. For incidents involving bullying, refer to Policy No. 5142.2 “Bullying”.
- 1.7 The students age, wherewithal, and context of the situation will assist in the determination of the definitions and procedures listed below.

2.0 Definitions

- 2.1 Aggressor – is the student who engages (or is believed to have engaged) in harassment/violence of a student, volunteer, or staff member of St. Odilia.
- 2.2 Bystander – is a person who witnesses or has knowledge or belief of conduct which may be considered harassment/violence.
- 2.3 Harassment is verbal, written/graphic or physical conduct that creates a hostile or intimidating environment in which to work or learn.

Harassment may include, but is not limited to having the purpose, or effect of:

- (1) Creating an intimidating, hostile or offensive learning environment.
- (2) Unreasonably interfering with a student's academic performance.
- (3) Adversely affecting a student's participation in school programs, activities or pursuit of an education.

2.3.1 Racial Harassment – is a physical or verbal, written/graphic conduct related to an individual's race.

2.3.2 Religious Harassment – is a physical or verbal, written/graphic conduct related to an individual's religion.

2.3.3 Sexual Harassment – is unwelcome sexual advances, requests for sexual favors, and other verbal, written/graphic or physical conduct of a sexual nature.

Sexual Harassment may include, but is not limited to the following:

- (1) Verbal, written/graphic harassment or abuse.
- (2) Pressure, subtle or overt, for sexual activity.
- (3) Unwelcome sexually motivated or inappropriate patting, pinching or physical contact other than necessary restraint of student(s) by teachers, Principal, volunteers or other school personnel to avoid physical harm to persons or property.
- (4) Unwelcome sexual behaviors or words, including demands for sexual favors, accompanied by implied, or overt threats, concerning an educational status.
- (5) Unwelcome sexual behaviors or words, including demands for sexual favors, accompanied by implied, or overt promises, of educational status.
- (6) Unwelcome behavior, or words, directed at an individual because of gender.

2.4 Retaliation – is when a student takes an adverse action, such as additional harassment/violence, against a Targeted Student/ Staff Member, Volunteer or Bystander. Retaliation includes, but is not limited to, any form of intimidation, retaliation, or harassment.

2.5 Targeted Person – is the person (volunteers and staff members included) against whom harassment/violence has allegedly been perpetrated.

2.6 Violence – is any act done with intent to cause fear in another of immediate bodily harm or death; the intentional infliction of, or attempt to inflict, bodily harm upon another; and/or the threat to do bodily harm to another. This individual invoking the violence has the present ability to carry out the threat.

- 2.6.1 Racial violence – is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
- 2.6.2 Religious violence – is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.
- 2.6.3 Sexual Violence – is a physical act of aggression, force or the threat involving 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.

Sexual violence may include, but is not limited to touching, patting, grabbing or pinching another person’s intimate parts, whether that person is of the same sex or the opposite sex.

3.0 Procedure

3.1 **This policy will only be enforced during regular school hours, on school owned devices, during school provided transportation, and/or during school sponsored functions and events, held at the school or other locations.**

3.2 Complaint Procedure

3.2.1 Step 1: Reporting

- (1) Targeted Person who believes s/he has been subjected to incidences (or unresolved incidences) of harassment/violence should immediately report incidents verbally or in writing to any staff member. The Targeted Student should also report events of Retaliation, if any.
- (2) A Bystander in the school community who observes or receives notice that a student has or may have been a target of incidences (or unresolved incidences) of harassment/violence should immediately report incidents verbally or in writing to a staff member.
- (3) False accusations or false reports of harassment/violence against another student are subject to appropriate disciplinary action (see No. 5144).
- (4) Appropriate disciplinary action will be taken against any student who retaliates against a Bystander(s) that reports alleged harassment/violence, or any person(s) who testifies, assists, or participates in an investigation related to harassment/violence.

3.2.2 Step 2: Investigation

- (1) The Principal will investigate alleged acts of harassment/violence in a timely manner. The Principal may consider suspending the Aggressor during the investigation.
- (2) The Principal will inform the allegation (and impending investigation) of harassment/violence to the Aggressor and his/her parent(s)/guardian(s). The Principal will also warn against acts of retaliation toward the Targeted Student, Bystander(s), and their family.

The Principal will also inform the Targeted Student and his/her parent(s)/guardian(s) of the impending investigation.

Confirmation that the telephone call (or e-mail) was received by the parent(s)/guardian(s) of both the Aggressor and Targeted Student must be made.

3.2.3 Step 3: Action

- (1) The Principal will inform the Aggressor, the Targeted Student, and their parent(s)/guardian(s) of the results of the investigation.
- (2) The Principal will immediately contact law enforcement officials when the alleged act is believed to be criminal in nature. The privacy and data privacy rights, of all persons involved, will be respected in accordance with current state and federal law.
- (3) The Principal may direct, one or more of the following consequences, if it is determined that harassment/violence has occurred:
 - (a) Meeting with parent(s)/guardian(s), student and Principal.
 - (b) Detention
 - (c) Service to the School
 - (d) Temporary Suspension
 - (e) Expulsion
 - (f) Counseling for all parties involved.
 - (g) Development of a positive behavior support plan.
 - (h) A letter written by the Aggressor is provided to the Targeted Student. This letter outlines their understanding of how their behavior hurt the student and made them feel.
- (4) Due to data privacy laws, the Principal is not at liberty to discuss the consequence (i.e., disciplinary action) for the Aggressor to the parent(s)/guardian(s) of the Targeted Student. However, the general outcome of the investigation will be provided to the parent(s)/guardian(s) of the Targeted Student and school personnel involved in the student's education.
- (5) Safety Planning
 - (a) A safety plan should be considered in instances where the Targeted Student is known to have (or is having) difficulty accessing the educational programs at the school as a result of harassment/violence.
 - (b) A safety plan may include such measures as:
 - (i) Selecting a staff member to check in with the Targeted Student on a regular basis and his/her parent(s)/guardian(s) as necessary.
 - (ii) Selecting a staff member as a safe in-school person for the Targeted Student to seek out when s/he feels threatened;

(iii) Informing teachers to pay particular attention to interactions / dynamics between identified students;

(iv) Providing additional supervision in areas ordinarily subject to lesser supervision.

(6) The Principal will document when all involved parties satisfactorily resolve the complaint.

(7) Parent(s)/Guardian(s), student(s) and staff will continue to monitor the situation.

3.2.4 Step 4: Unsatisfactory Resolution (see Policy No. 5145)

3.3 St. Odilia School will provide harassment/violence training (at an age appropriate level) to both staff and students. Training will include, but is not limited to:

(1) The details of this Policy and the Discipline Policy.

(2) Curriculum intended to raise awareness and promote understanding of harassment/violence for students and staff, and to assist with maintaining a safe, healthy learning environment.

3.4 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.