BLUFFVIEW MONTESSORI SCHOOL
POLICY 413 HARASSMENT AND VIOLENCE

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is 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.

II. GENERAL STATEMENT OF POLICY

A. It is the policy of Bluffview Montessori School (the “school”) to maintain a learning and working environment that is 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. Bluffview Montessori School prohibits any form of harassment and violence on the basis of race, color, creed, religion, national origin, sex, gender identity/expression, 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, educator, administrator, or other personnel of Bluffview Montessori School harasses a pupil, educator, administrator, or other personnel, either individually or as a group, through conduct or communication based on a person’s race, color, creed, religion, national origin, sex, gender identity/expression, 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 includes members of the Board of Directors, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of Bluffview Montessori School.)

C. A violation of this policy occurs when any pupil, educator, administrator, or other personnel of Bluffview Montessori School inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, educator, administrator, or other school personnel or group of pupils, educators, administrators, or other school personnel based on a person’s race, color, creed, religion, national origin, sex, gender identity/expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

D. The school will act to investigate all complaints, either formal or informal, of harassment or violence regarding race, color, creed, religion, national origin, sex,
gender identity/expression, 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, educator, administrator, or other school personnel who is found to have violated this policy.

E. The Head of School is hereby designated by the Board of Directors as the responsible party to administer this policy. The Board of Directors will annually designate a second employee to be the Human Rights Officer to receive reports and complaints of abuse, harassment, or violence alleged to have occurred within the workplace or educational environment as defined by this policy. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Head of School.

F. The Human Rights Officer shall inform the Head of School regarding any allegations, complaints, or knowledge of potential violations of this policy as well as of any school action resulting from such allegations, complaints, or knowledge. Should the allegations, complaints, or knowledge involve the Head of School, the Human Rights Officer shall inform the Chair of the Board of Directors.

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, (electronic communications) relating to an individual’s or group of individuals’ race, color, creed, religion, national origin, sex, gender identity/expression, 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.

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

D. Protected Classifications

1. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.

2. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.

3. “Gender Identity/Expression”
   
   a. An individual’s deeply held sense of being male, female, both or neither; an internal construct not necessarily visible to others. All people have a gender identity, but the age at which individuals come to understand and express their gender identity will vary based on social development. Although many people have a gender identity that matches their assigned sex and gender, one’s gender identity can be different from the sex and gender assigned by others at birth. There can be a tendency to confuse gender identity and sexual orientation, yet the two are very different. Gender identity refers to how individuals perceive themselves. In contrast, sexual orientation refers to the sex of those to whom one is romantically and/or sexually attracted.

   b. The manner in which an individual chooses to express one’s gender identity to others through behavior, clothing, hairstyle, body language, and mannerisms. An individual’s gender expression may change over time and may or may not conform to one’s gender identity.

4. “Age” means the person is over the age of 25 years.

5. “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.

6. “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.

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.

8. “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.

9. “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.

E. “Sexual Harassment”

1. “Sexual harassment” consists of 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 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.

F. “Sexual Violence”

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.

G. “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, race, color, creed, religion, national origin, sex, gender identity/expression, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

IV. REPORTING PROCEDURES

A. Any person who believes he or she has been the victim of harassment or violence prohibited by this policy by a pupil, educator, administrator, or other school personnel of the school district should report the alleged acts as soon as possible to an appropriate school official designated by this policy. Any person with knowledge or belief of conduct toward a pupil, educator, administrator, or other school personnel which may constitute harassment or violence as defined by this policy should report the alleged acts immediately to an appropriate school official designated by this policy. The school encourages the reporting party or complainant to use the report form available from the Head of School, the school office, or the school website, 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 Human Rights Officer or to the Head of School.

B. The Head of School is the person responsible for receiving oral or written reports of harassment or violence prohibited by this policy. Any adult school 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 Human Rights
Officer or the chair of the Board of Directors by the reporting party or complainant. School personnel who fail to inform the designated report taker of a report of harassment or violence in a timely manner may be subject to disciplinary action.

C. Upon receipt of a report, the Head of School must notify the Human Rights Officer immediately, without screening or investigating the report. The Head of School 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 Head of School to the Human Rights Officer. If the report was given verbally, the Head of School 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 will result in disciplinary action against the Head of School. If the complaint involves the Head of School, the complaint shall be made or filed directly with the Human Rights Officer by the reporting party or complainant.

D. Bluffview Montessori School shall conspicuously post the name of the Human Rights Officer, including mailing address, email address, and telephone number, both in the school building and on the school website.

E. Submission of a good faith complaint or report of religious, racial, or sexual harassment or violence will not affect the complainant or reporter’s future employment, grades, or work assignments.

F. Use of formal reporting forms is not mandatory.

G. 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. Bluffview Montessori School will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the school’s legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

V. INVESTIGATION

A. By authority of Bluffview Montessori School, the Human Rights Officer, upon receipt of a report or complaint alleging religious, racial, or sexual harassment shall immediately undertake or authorize an investigation. The investigation may be conducted by school officials or by a third party designated by the school.
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 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 circumstance.

D. In addition, the school may take immediate steps, at its discretion, to protect the complainant, pupils, educators, administrators, or other school personnel pending completion of an investigation of alleged religious, racial, or sexual harassment or violence.

E. The investigation will be completed as soon as practicable. The Human Rights Officer shall make a written report to the Head of School upon completion of the investigation. If the complaint involves the Head of School, the report must be filed directly with the Board of Directors. 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.

F. It shall be the general practice to inform a student’s parent or guardian prior to any questioning of the student by a school representative. This general practice is not, however, mandated by this policy.

G. If the complaint involves a member of the Board of Directors, the Board of Directors shall authorize a qualified neutral third party to conduct an appropriate investigation. The authorization shall request that the investigation be concluded as soon as practicable. The investigator shall prepare a written report summarizing his or her investigation, conclusions, and recommendations and shall present it to the Board of Directors. The Board of Directors shall consider the investigator’s report based upon the principles detailed in this policy and shall determine what, if any, response is appropriate.

VI. SCHOOL ACTION
A. Upon receipt of a report, Bluffview Montessori School will 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 Minnesota and federal law and Bluffview Montessori School policies.

B. The result of the school’s investigation of each complaint filed under these procedures will be reported in writing to the complainant by the school in accordance with state and federal law regarding data or records privacy.

C. The investigative reports containing identification information and statements of complaints, witnesses, and others who may have been interviewed shall be retained by Bluffview Montessori School as a confidential document and shall be subject to discovery and disclosure in whole or in fact as determined by school’s legal counsel.

VII. REPRISAL

A. Bluffview Montessori School will discipline or take appropriate action against any pupil, educator, administrator, or other school personnel who retaliates against any person who makes a good faith report of alleged religious, racial, or sexual harassment or violence 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 harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES.

A. 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 a 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 Bluffview Montessori School from taking immediate action to protect victims of alleged harassment, violence, or abuse.
X. DISSEMINATION OF POLICY AND TRAINING

A. Board Policy 413 shall be communicated to parents and students of the school in writing by the following means:

1. By providing a summary of this policy (found in Board Policy 413a) to each school employee and independent contractor at the time of entering into an employment contract with the school.

2. By posting a summary of this policy (found in Board Policy 413a) conspicuously in an area of the school building that is accessible to pupils and personnel.

3. By posting a short, easy-to-read statement regarding this policy conspicuously in areas of the school building where pupils are likely to see it. See Board Policy 413b for suggested language. The statement shall inform students of:
   a. Their right to be free from harassment and violence of any kind.
   b. How to report incidents of harassment or violence.
   c. What they can expect when they report an incident of harassment or violence.

4. By printing a summary of this policy (found in Board Policy 413a) in the Family Handbook.

5. By providing a printed summary of this policy (found in Board Policy 413a) to the parents or guardians of newly enrolled students.

6. By distributing a summary of this policy (found in Board Policy 413a) to the parents or guardians of all students no less than twice a year, either through the school’s weekly newsletter or in some other form.

7. By posting the complete text of Board Policy 413 in an easily accessible location on the school website.

8. A copy of the full Board Policy 413 along with a complaint form will be available upon request from the school office.

B. On no less than an annual basis, the school shall help students understand their rights under Board Policy 413, in developmentally appropriate terms, through programming provided on either the school or classroom level.
C. The school shall provide regular training for all school personnel informing them of the rights provided under this policy, their responsibilities under this policy, the procedure for reporting violations under this policy, and the process for investigating complaints filed under this policy. “Regular” means frequently enough to ensure that all school personnel are aware of the policy and any changes made to the policy.

D. Each year prior to the September opening of school, the Head of School will prepare a plan for the year which will include planned communication activities to reach students, parents, and employees. The plan will include procedures for posting, publishing, and other forms of distribution of the policy as well as planned student programs designed to instruct students in their rights and obligations under the policy. This communication plan will be submitted to the Human Rights Officer.

**Legal References:**

- Minn. Stat. § 120B.232 (Character Development Education)
- Minn. Stat. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
- Minn. Stat. Ch. 363A (Minnesota Human Rights Act)
- Minn. Stat. § 609.341 (Definitions)
- Minn. Stat. § 626.556 et seq. (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)
- 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)