

New City School

Policy Against Bullying, Hazing and Harrassment

Students and Staff

Bullying/Hazing/Harrassment:

The purpose of this policy is to maintain a safe learning environment for students and staff that is free from hazing. Hazing activities of any type are inconsistent with the educational goals of New City School and are prohibited at all times.

General Statement of Policy

- A. No student, teacher, administrator, volunteer, contractor or other employee of New City School shall plan, direct, encourage, aid or engage in bullying/hazing/harrassment.
- B. No teacher, administrator, volunteer, contractor or other employee of the school shall permit, condone or tolerate bullying/hazing/harrassment.
- C. Apparent permission or consent by a person being hazed does not lessen the prohibitions contained in this policy.
- D. This policy applies to behavior that occurs on or off school property and during after school hours.
- E. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- F. The school will act to investigate all complaints of bullying/hazing/harrassment and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school who is found to have violated this policy.

Definitions:

- A. "Hazing/Bullying/Harrassment" means committing an act against a student, or coercing a student into committing an act, that creates a substantial risk of harm to a person, in order for the student to be initiated into or affiliated with a student organization, or for any other purpose. The term hazing includes, but is not limited to:
 - 1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 - 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the

student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.

3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 4. Any activity that intimidates or threaten the student with ostracism, that subjects the student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school policies or regulations.
- B. "Student organization" means a group, club or organization having students as its primary members or participants. It includes grade levels, classes, teams, activities or particular school events. A student organization does not have to be an official school organization to come within the terms of this definition.

Reporting Procedures:

- A. Any person who believes he or she has been the victim of hazing or any person with knowledge or belief of conduct which may constitute hazing shall report the alleged acts immediately to the principal.
- B. Teachers, administrators, volunteers, contractors and other employees of the school shall be particularly alert to possible situations, circumstances or events which might include hazing. Any such person who receives a report of, observes or has other knowledge or beliefs of conduct, which may constitute hazing, shall inform the principal immediately.
- C. Submission of a good faith compliant or report of hazing will not affect the complainant or reporter's future employment, grades, or assignments.

School Action:

- A. Upon receipt of a complaint or report of hazing, the school shall undertake or authorize an investigation by a third party designated by the school.
- B. The school may take immediate steps, at its discretion, to protect the complainant, reporter, students, or other pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the school 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 deter violations and to appropriately discipline prohibited behavior. School action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining

agreements, applicable statutory authority, including the Minnesota Pupil Fair Dismissal Act, school policies and regulations.

Reprisal:

The School will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor or other employee of the school who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists or participates in a proceeding or hearing relating to such hazing.

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

Policy Adopted: August 16, 2004 New City School
Minn. Stat. § 121A.69 (2001)

Policy Against Harassment and Violence

I. General statement

Sexual (including sexual orientation and affectional preference), ethnic/racial harassment and harassment based on religious beliefs or practices and disability are forms of discrimination which violate either Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e, et. Seq, and/or the Minnesota Human Rights Acts, Minnesota Statute Sections 262.02-363.15 (1993). Sexual (including sexual orientation and affectional preference), ethnic/racial, religious or disability violence is a physical act of aggression directed toward a person or groups of persons because of their sex, ethnic/racial background, religion or religious practices, disability, sexual orientation or affectional preferences. Violence directed toward a person or persons because of the person's sex, race/ethnicity, religion or religious practices, disability, sexual orientation or sexual preference is also violatible of these same statues and may also represent a criminal law violation.

II. Policy

A. General

It is the policy of New City School to maintain a learning and working environment free of harassment based on sex, race/ethnicity, religion or religious practices, disability, sexual orientation or affectional preference and other forms of harassment and violence. The School prohibits any form of sexual, ethnic, religious, disability, sexual orientation or affectional preference or other improper harassment and violence.

B. Harassment

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School to harass a pupil, teacher, administrator or other school personnel through conduct or communication of a sexual nature or regarding race/ethnicity, religion or religious practice, disability, sexual orientation or affectional preference and other forms of harassment 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. Violence

It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the School to inflict, threaten to inflict, or attempt to inflict violence relating to sexual (including sexual orientation and affectional preference), racial/ethnic, religious, or disability upon any pupil, teacher, administrator or other school personnel.

D. Procedure

The School will investigate all complaints, either formal or informal, verbal or written, of actions or statements which may constitute sexual, ethnic/racial, religious, disability, sexual orientation or affectional preference or other improper harassment or violence and will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who harasses or is violent toward any pupil, teacher, administrator or other school personnel of the School. The School also reserves the right to discipline any student or employee for derogatory sexual, ethnic/racial, religious, disability, sexual orientation or affectional preference related statements or conduct which do not constitute illegal harassment or violence on the aforementioned basis but nonetheless are inappropriate.

III. Definition

A. Sexual Harassment (including sexual orientation and affectional preference) definition.

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 or retaining employment, of obtaining an education or of transacting business with the School; or

- b. Submission to or rejection of that conduct or communication by a person is used as a factor in decisions affecting that individual's employment, education or business with the School; or
- c. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with a person's employment, education or business with the School, or creating an intimidating, hostile or offensive employment, education or business environment.

2. Sexual harassment includes but is not limited to the following behaviors:

- a. Unwelcome statements of a sexual nature;
- b. Unwelcome solicitation or pressure for sexual activity;
- c. Intentional brushing against, patting or pinching of another's body;
- d. Requests for sexual favors accompanied by implied or overt threats concerning and individual's employment, education or business with the School;
- e. Requests for sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment, education or business with the School; or
- f. Any sexually motivated unwelcome touching.

3. Sexual violence is a physical act of aggression that included a sexual act or sexual purpose.

B. Racial/ethnic harassment definition. Racial/ethnic harassment consists of physical or verbal conduct relating to an individual's race/ethnicity 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 and individual's work or academic performance; or
- 3. Otherwise adversely affects an individual's employment or academic opportunities.

C. Religious harassment definition. Religious harassment consists of physical or verbal conduct which is related to an individual's religion 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.

Adopted: August 16, 2004 New City School Board of Director