

# **St Matthew's Evangelical Lutheran School**

## **HARASSMENT AND VIOLENCE PROHIBITION POLICY**

### **I. PURPOSE**

St. Matthew's Lutheran School prohibits any form of religious, racial or sexual harassment and violence. The purpose of this policy is to maintain a cooperative learning and working environment that is free from religious, racial or sexual harassment and violence. *"Finally, all of you, live in harmony with one another; be sympathetic, love as brothers, be compassionate and humble. Do not repay evil with evil or insult with insult, but with blessing, because to this you were called so that you might inherit a blessing."* 1 Peter 3:8-9.

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

- A. It is the policy of St. Matthew's Lutheran School to maintain a cooperative learning and working environment that is free from religious, racial or sexual harassment and violence. The school prohibits any form of religious, racial or sexual harassment and violence.
- B. It shall be a violation of this policy for any student, teacher, administrator, or other school personnel of the school to harass a student, teacher, administrator, or other school personnel through conduct or communication of a sexual nature or regarding religion or race as defined by this policy. (For purposes of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the school.)
- C. It shall be a violation of this policy for any student, teacher, administrator, or other school personnel of the school to inflict, threaten to inflict, or attempt to inflict religious, racial or sexual violence upon any student, teacher, administrator or other school personnel.
- D. St. Matthew's Lutheran School will act to investigate all complaints, either formal or informal, verbal or written, of religious, racial or sexual harassment or violence, and to discipline or take appropriate action against any student, teacher, administrator, or other school personnel who is found to have violated this policy.
- E. Administrator is defined in this policy as *"one in a leadership position"* including, but not limited to positions as principal, assistant principal, and athletic director.

### **III. RELIGIOUS, RACIAL AND SEXUAL HARASSMENT AND VIOLENCE DEFINED**

#### **A. Sexual Harassment; 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, or of obtaining 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 student(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.

**B. Racial Harassment; Definition**

Racial harassment consists of physical or verbal conduct relating to an individual's race 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. 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.

D. 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.

E. Racial Violence; Definition

Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.

F. Religious Violence; Definition

Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

G. Assault; Definition

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.

**IV. REPORTING PROCEDURES**

- A. Any person who believes he or she has been the victim of religious, racial or sexual harassment or violence by a student, teacher, administrator, or other school personnel of St. Matthew's Lutheran School, or any person with knowledge or belief of conduct which may constitute religious, racial or sexual harassment or violence toward a student, teacher, administrator, or other school personnel should report the alleged acts immediately to any adult school personnel. St. Matthew's Lutheran School encourages the reporting party or complainant to use the report form available from the principal or from the school office, but oral reports shall be considered complaints as well.
- B. The principal is the person responsible for receiving oral or written reports of religious, racial or sexual harassment or violence. Any adult school personnel who receives a report of religious, racial or sexual harassment or violence shall inform the principal immediately.
- C. The principal may request, but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable to the principal. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours. The principal shall then inform the Chairman of the Board of Education of the complaint. Failure to forward any harassment or violence report or complaint as provided herein to the Chairman of the Board of Education, may result in disciplinary action against the principal. If the complaint involves the principal, the complaint shall be made to or filed directly with the Chairman of the Board of Education by the reporting party or complainant.
- D. St. Matthew's Lutheran School shall inform the students, teachers, administrator, and other school personnel of the individuals who may receive complaints and reports. This information will also be communicated to parents in their information packets at registration.
- 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. The school will respect the privacy of the complainant, the individuals) 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 the Board of Education, the principal, upon receipt of a report or complaint alleging religious, racial or sexual harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by adult school personnel, the Board of Education, or by a third party designated by the Chairman of the Board of Education.
- 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 Chairman of the Board of Education. The Chairman of the Board of Education may also seek the counsel of the circuit pastor.
- C. In determining whether alleged conduct constitutes a violation of this policy, the Board of Education 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. In addition, the Board of Education may take immediate steps, at its discretion, to protect the complainant, students, teachers, 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 Chairman of the Board of Education or the principal shall make a written report to the Board of Education upon completion of the investigation. 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. BOARD OF EDUCATION ACTION**

- A. Upon receipt of a report, the Board of Education will take appropriate action. Such action may include, but is not limited to, warning, suspension, exclusion, expulsion, remediation, termination or discharge. Board of Education action taken for violation of this policy will be consistent with requirements if applicable Wisconsin Evangelical Lutheran Synod guidelines, Minnesota and federal laws, and St. Matthew's Lutheran School policies.
- B. The result of the Board of Education's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the Board of Education in accordance with state and federal law regarding data or records privacy.

## **VII. REPRISAL**

The Board of Education will discipline or take appropriate action against any student, teacher, 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**

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 the Board of Education from taking immediate action to protect victims of alleged harassment, violence or abuse.

## **X. DISSEMINATION OF POLICY AND TRAINING**

- A. This policy shall be distributed to the teachers, administrators, and other school personnel of St. Matthew's Lutheran School together with the families of students attending St. Matthew's Lutheran School.
- B. This policy shall be given to each employee of St. Matthew's Lutheran School at the time of entering into the person's call or hiring.
- C. St. Matthew's Lutheran School will give annual notice of this policy to students, parents or guardians, and staff. Reference to this policy will appear in the St. Matthew's Lutheran School Parent-Student Handbook and in the Principal's Newsletter. Interested parties may view the whole policy with the principal, Chairman of the Board of Education or teachers. Copies will be made available in each classroom and office.
- D. The school will develop a method of discussing this policy with students and employees.
- E. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on Christian 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. Programs maybe taught independently or in conjunction with a religion or Catechism class.

- F. This policy shall be reviewed annually by the Board of Education for compliance with state and federal law.

***Legal References:*** Minn. Stat. §121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)

Minn. Stat. Ch. 363A (Minnesota Human Rights Act)

Minn. Stat. §626.556 *et seq.* (Reporting of Maltreatment of Minors)

42 U.S.C. §2000e *et seq.* (Title VII of the Civil Rights Act)

# St Matthew's Evangelical Lutheran School

## RELIGIOUS, RACIAL, OR SEXUAL HARASSMENT AND VIOLENCE REPORT FORM

### General Statement of Policy Prohibiting Religious, Racial or Sexual Harassment

St. Matthew's Lutheran School maintains a firm policy prohibiting all forms of discrimination. Religious, racial or sexual harassment or violence against students or employees is discrimination. All persons are to be treated with respect and dignity. Sexual violence, sexual advances or other forms of religious, racial or sexual harassment by any student, teacher, administrator, or other school personnel, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

Complainant \_\_\_\_\_

Home Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Home Phone \_\_\_\_\_

Date of Alleged Incident(s) \_\_\_\_\_

Circle as appropriate: sexual - racial - religious / harassment - violence.

Name of person you believe harassed or was violent toward another person. \_\_\_\_\_

The action of harassment / violence was carried out against \_\_\_\_\_

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; what, if any, physical contact was involved; any verbal statements (i.e. threats, requests, demands, etc.) (Attach additional pages if necessary)

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Where and when did the incident(s) occur? \_\_\_\_\_

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List any witnesses that were present. \_\_\_\_\_



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This complaint is filed based on my honest belief that \_\_\_\_\_  
has harassed me or has been violent to me or to another person. I hereby certify that the information I have  
provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

Complainant Signature \_\_\_\_\_ Date \_\_\_\_\_

Received by \_\_\_\_\_ Date \_\_\_\_\_