

**SAINT PETER INDEPENDENT SCHOOL DISTRICT 508
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005 PERSONNEL
005.0 FAMILY AND MEDICAL LEAVE POLICY

I. PURPOSE

The purpose of this policy is to provide for family and medical leave to School District employees in accordance with the Family and Medical Leave Act and also with parenting leave under state law.

II. GENERAL STATEMENT OF POLICY

A. Twelve-Week Leave

1. Regular full-time and part-time employees who have been employed by the School District for at least 12 months and have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave are entitled to a total of 12 work weeks of unpaid family or medical leave during the applicable 12-month period as defined below, plus any additional leave as required by law. Leave may be taken for one or more of the following reasons in accordance with applicable law:
 - a. birth of the employee's child;
 - b. placement of an adopted or foster child with the employee;
 - c. to care for the employee's spouse, son, daughter, or parent with a serious health condition; and/or
 - d. the employee's serious health condition makes the employee unable to perform the functions of the employee's job.
2. For the purposes of this policy, "year" is defined as the School District fiscal year (July 1 to June 30).
3. A "serious health condition" typically requires either inpatient care or continuing treatment by or under the supervision of a health care provider, as defined by applicable law. Family and medical leave generally is not intended to cover short term conditions for which treatment and recovery are very brief.
4. Eligible spouses employed by the School District are limited to an aggregate of twelve weeks of leave during any 12-month period for

the birth or adoption of a child, the placement of a child for foster care or to care for a parent. This limitation for spouses employed by the School District does not apply to leave taken by one spouse to care for the other spouse who is seriously ill, to care for a child with a serious health condition, or because of the employee's own serious health condition.

5. Depending on the type of leave, intermittent or reduced schedule leave may be granted in the discretion of the School District or when medically necessary. However, part-time employees are only eligible for a pro-rata portion of leave to be used on an intermittent or reduced schedule basis, based on their average hours worked per week. Where an intermittent or reduced schedule leave is foreseeable based on planned medical treatment, the School District may transfer the employee temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position, and which has equivalent pay and benefits.
6. If an employee requests a leave for the serious health condition of the employee or the employee's spouse, child or parent, the employee will be required to submit sufficient medical certification. In such a case, the employee must submit the medical certification within 15 days from the date of the request or as soon as practicable under the circumstances.
7. If the School District has reason to doubt the validity of a health care provider's certification, it may require a second opinion at the School District's expense. If the opinions of the first and second health care providers differ, the School District may require certification from a third health care provider at the School District's expense. An employee may also be required to present a certification from a health care provider indicating that the employee is able to return to work.
8. Requests for leave shall be made to the School District. Employees must give 30 days' written notice of a leave of absence where practicable. Employees are expected to make a reasonable effort to schedule leaves resulting from planned medical treatment so as not to disrupt unduly the operations of the School District, subject to and in coordination with the health care provider.
9. During the period of a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month

period), the School District will provide health insurance under its group health plan under the same conditions coverage would have been provided had the employee not taken the leave. The employee will be responsible for payment of the employee contribution to continue group health insurance coverage during the leave. An employee's failure to make necessary and timely contributions may result in termination of coverage.

10. The School District may request or require the employee to substitute accrued paid leave for any part of the 12-week period. Employees may be allowed to substitute paid leave for unpaid leave by meeting the requirements set out in the administrative directives and guidelines established for the implementation of this policy, if any. Employees eligible for leave must comply with the family and medical leave directives and guidelines prior to starting leave. It shall be the responsibility of the superintendent to develop directives and guidelines as necessary to implement this policy. Such directives and guidelines shall be submitted to the school board for annual review.

The School District shall comply with written notice requirements as set forth in federal regulations.

11. Employees returning from a leave permitted under this policy (which does not exceed a total of 12 work weeks in the applicable 12 month period) are eligible for reinstatement in the same or an equivalent position as provided by law. However, the employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave.
12. An employee who does not return to work after leave may, in some situations, be required to reimburse the School District for the cost of the health plan premiums paid by it.
13. The provisions of this policy are intended to comply with applicable law, including the Family and Medical Leave Act of 1993 ("FMLA") and applicable regulations. Any terms used from the FMLA will have the same meaning as defined by that Act and/or applicable regulations. To the extent that this policy is ambiguous or contradicts applicable law, the language of the applicable law will prevail.
14. The requirements stated in the collective bargaining agreement between employees in a certified collective bargaining unit and the

School District regarding family and medical leaves (if any) shall be followed.

III. SPECIAL RULES FOR INSTRUCTIONAL EMPLOYEES

- A. An instructional employee is one whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This includes, but is not limited to, teachers, coaches, driver's education instructors, and special education assistants.
- B. Instructional employees who request foreseeable medically necessary intermittent or reduced work schedule leave greater than twenty percent of the work days in the leave period may be required to:
 - 1. take leave for the entire period or periods of the planned medical treatment; or
 - 2. move to an available alternative position for which the employee is qualified, and which provides equivalent pay and benefits, but not necessarily equivalent duties.
- C. Instructional employees who request continuous leave near the end of a semester may be required to extend the leave through the end of the semester. The number of weeks remaining before the end of a semester does not include scheduled school breaks, such as summer, winter, or spring break.
 - 1. If an instructional employee begins leave for any purpose more than five weeks before the end of a semester and it is likely the leave will last at least three weeks, the School District may require that the leave be continued until the end of the semester.
 - 2. If the employee begins leave for a purpose other than the employee's own serious health condition during the last five weeks of a semester, the School District may require that the leave be continued until the end of the semester if the leave will last more than two weeks or if the employee's return from leave would occur during the last two weeks of the semester.
 - 3. If the employee begins leave for a purpose other than the employee's own serious health condition during the last three weeks of the semester and the leave will last more than five working days, School District may require the employee to continue taking leave until the

end of the semester.

- D. The entire period of leave taken under the special rules will be counted as leave. The School District will continue to fulfill the School District's leave responsibilities and obligations, including the obligation to continue the employee's health insurance and other benefits, if an instructional employee's leave entitlement ends before the involuntary leave period expires.

IV. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted in each School District building in areas accessible to employees.
- B. This policy will be reviewed at least bi-annually for compliance with state and federal law.

Adopted: June 2006

Reviewed: _____

005. PERSONNEL
005.1 Instructional Personnel
005.11 Recruitment

The objectives of personnel recruitment are:

1. To recruit and retain well-qualified personnel to support and accomplish the educational goals of the Board of Education; and
2. To create an environment that will stimulate and maintain a high level of performance, increase effectiveness and skill, and foster a good working relationship between staff, administration and the Board of Education.

In order to meet these objectives, the following policies shall be implemented:

1. The School District will develop and maintain adequate sources from which staff may be recruited; and
2. Each position shall be filled by selecting the individual best qualified in terms of meeting the requirements for the particular position.
3. All positions will be clearly defined so that all personnel know their job responsibilities, to whom they are responsible, the authority that goes with the job, and the channels of communication;

Reviewed: 12/99
06/04

005. PERSONNEL

005.1 Instructional Personnel

005.11 Recruitment

005.111 Lane/Step Placement

When the School District initially hires a teacher, the teacher will be placed on the teacher salary schedule in accordance with the following criteria listed below:

- Step: Placement will be determined by prior public school teaching experience.
- Lane: Placement will be determined by the highest level of education obtained by the teacher. The educational level will be verified by the principal and the Superintendent.
- Signing Bonus: The School District may award signing bonuses for new staff for a time period of up to three (3) years.

First Reading: 2/21/2002
Approved: 03/18/2002
Reviewed: 06/2004

Reviewed: _____

005. PERSONNEL
005.1 Instructional Personnel
005.12 Evaluation

The Board of Education charges the professional staff with developing, organizing, and implementing a system-wide program for evaluating all professional personnel as one means to ensure quality control of instruction. In-service training shall be provided to all staff as a method of improving individual teaching skills.

Appraisal of teaching service should serve two purposes:

1. To continually improve the quality of instruction and educational services to the children of our community; and
2. To help the individual teacher grow professionally.

In order to meet these purposes, the following shall occur:

1. Assistance shall be provided to all beginning teachers to help them through the difficult first years of teaching. At least three evaluations of staff members shall occur each year of the teacher's probation period; and
2. All tenured teachers shall have an evaluation at least once every three years; and
3. All teachers, tenured and non-tenured, shall be recommended for dismissal when attempts to correct deficiencies have failed.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.1 Instructional Personnel

005.13 Public and Private Personnel Data

I. GENERAL STATEMENT OF POLICY

All data on instructional personnel that is collected, created, received, maintained, or disseminated by the School District, which is classified by statute or federal law as public, shall be accessible to the public pursuant to the procedures established by the School District. All other data on individuals is private or confidential.

II. DEFINITIONS:

- A. "Public" means the data is available to anyone who requests it.
- B. "Private" means the data is available to the subject of the data and to School District staff who need it to conduct the business of the School District.
- C. "Confidential" means the data is not available to the subject.
- D. "Personnel Data" means data on individuals collected because they are or were employees of the School District, or an individual was an applicant for employment, volunteers for the School District, or is a member of or applicant for an advisory board or commission.
- E. "Finalist" means an individual who is selected to be interviewed by the Board of Education for a position.
- F. "Protected health information" means individually identifiable health information transmitted in electronic form by a School District acting as a health care provider. "Protected health information" excludes health information in education records covered by FERPA and employment records held by a School District in its role as employer.

III. PUBLIC PERSONNEL DATA:

- A. The following information on employees, including volunteer and independent contractors, is public:
 - 1. name;
 - 2. actual gross salary;
 - 3. salary range;

4. contract fees;
5. actual gross pension;
6. the value and nature of employer-paid fringe benefits;
7. the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
8. job title;
9. bargaining unit;
10. job description;
11. education and training background;
12. previous work experience;
13. date of first and last employment;
14. the final disposition of any disciplinary action, as defined in Minnesota Statute 13.43, Subd. 2(b), together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the School District;
15. the terms of any agreement settling any dispute arising out of the employment relationship, including superintendent buyout agreements, except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money, and such agreement may not have the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data;
16. work location;
17. work telephone number;
18. badge number;
19. honors and awards received;
20. payroll time sheets or other comparable data that are used only to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data;

21. city and county of residence; and
 22. the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action.
- B. Personnel data may be disseminated to labor organizations to the extent the School District determines it is necessary for the labor organization to conduct its business or when authorized by the Commissioners of the Bureau of Mediation Services.
- C. The following information on applicants for employment or advisory board/commission is public:
1. veteran status;
 2. relevant test scores;
 3. rank on eligible list;
 4. job history;
 5. education and training; and
 6. work availability.
- D. Names of applicants are private data except when certified as eligible for appointment to a vacancy or when they become finalists for an employment position.
- E. Names and home addresses of applicants for appointment to and members of an advisory board/commission are public.
- F. Regardless of whether there has been a final disposition as defined in Minnesota Statute 13.43, Subd. 2(b), upon completion of an investigation of a complaint or charge against a public official, as defined in Minnesota Statute 13.43, Subd. 2(e), or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources.

IV. PRIVATE PERSONNEL DATA:

- A. All other personnel data is private and will only be shared with School District staff whose work requires such access. Private data will not be otherwise released unless authorized by law or by the employee's informed written consent.
- B. Data created, collected, or maintained by the School District to administer employee assistance programs is private.

- C. The School District may display a photograph of a current or former employee to prospective witnesses as part of the School District's investigation of any complaint or charge against the employee.
- D. The School District may, if the responsible authority or designee reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, release data that is relevant to the concerns for safety to:
 - 1. The person who may be harmed and to the attorney representing the person when the data is relevant to obtaining a restraining order;
 - 2. A pre-petition screening team conducting an investigation of the employee under Minnesota Statute 254.07, Subd. 1; or
 - 3. A court, law enforcement agency, or prosecuting authority.
- E. A complainant has access to a statement provided by the complainant to the School District in connection with a complaint or charge against an employee.
- F. The School District shall make any report to the board of teaching or the state board of education as required by Minnesota Statute 122A.20, Subd. 2, and shall, upon written request from the licensing board having jurisdiction over a teacher's license, provide the licensing board with information about the teacher from the School District's files, any termination or disciplinary proceeding, and settlement or compromise, or any investigative file in accordance with Minnesota Statute 122A.20, Subd. 2.
- G. Private personnel data shall be disclosed to the department of economic security for the purpose of administration of the reemployment insurance program under Minnesota Chapter 268.
- H. Data pertaining to an employee's dependents is private data on individuals.
- I. Personnel data may be disseminated to labor organizations to the extent the School District determines it is necessary for the labor organization to conduct its business or when ordered or authorized by the Commissioner of the Bureau of Mediation Services.
- J. Private personnel data or confidential investigative data on employees may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of such a crime or alleged crime.
- K. When allegations of sexual or other types of harassment are made against an employee, the employee shall not have access to data that would identify the

complainant or other witnesses if the School District determines that the employee's access to that data would:

- A. threaten the personal safety of the complainant or a witness; or
- B. subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

- L. When a report of alleged maltreatment of a student in a school is made to the Commissioner of Education, data that is relevant and collected by the school about the person alleged to have committed maltreatment must be provided to the Commissioner on request for purposes of an assessment or investigation of the maltreatment report.
- M. The identity of an employee making a suggestion as part of an organized self-evaluation effort by the School District or to improve School District operations is private.
- N. Health information on employees is private unless otherwise provided by law. To the extent that the School District transmits protected health information, the School District will comply with all privacy requirements.

V. MULTIPLE CLASSIFICATIONS:

If data on individuals is classified as both private and confidential by Chapter 13, or any other state or federal law, the data is private.

VI. CHANGE IN CLASSIFICATIONS:

The School District shall change the classification of data in its possession if it is required to do so to comply with other judicial or administrative rules pertaining to the conduct of legal actions or with a specific statute applicable to the data in the possession of the disseminating or receiving agency.

VII. RESPONSIBLE AUTHORITY:

The School District has designated the Administrative Assistant to the Superintendent as the authority responsible for personnel data. If you have any questions, contact him/her.

First Reading: 10/12/00
Adopted: 11/09/00
Reviewed: 05/13/04

005. PERSONNEL
005.2 Non-instructional Personnel
005.21 Recruitment

The objectives of recruiting non-instructional personnel are:

1. To recruit and retain well-qualified personnel to support and accomplish the Board of Education's goals; and
2. To create an environment that will stimulate and maintain a high level of performance, increase effectiveness and skill, and foster a good working relationship between staff, administration, and the Board of Education.

In order to meet these objectives, the following policies shall be implemented:

1. Adequate sources from which staff may be recruited will be developed and maintained;
2. Each position shall be filled by selecting the individual best qualified in terms of meeting the requirements for the particular position; and
3. All positions will be clearly defined so that all personnel know their job responsibilities, to whom they are responsible, the authority that goes with the job, and the channels of communication;

Reviewed: 12/99
06/2004

005. PERSONNEL
005.2 Non-instructional Personnel
005.22 Evaluation

Each employee shall have one supervisor. It shall be the responsibility of that supervisor to conduct at least one written evaluation per year for each non-instructional personnel under her or his supervision. In-service training shall be provided as a method of improving performance.

Reviewed: 12/99
06/2004

005. PERSONNEL
005.3 Non-discrimination

Discrimination on the grounds of race, color, national origin, creed, religion, sex, marital status, status with regard to public assistance, age, or disability shall be prohibited. No person shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in employment or recruitment, consideration or selection thereof, whether full-time or part-time, under any education program or activity operated by the School District for which it receives federal financial assistance.

The Board of Education directs the Superintendent to take the following action steps:

1. Develop and implement a management system to comply with the provisions of Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Chapter 363.03 of the Minnesota Human Rights Act;
2. Evaluate on a continuous basis the School District's operation in terms of the requirements of federal and state law prohibiting discrimination. This evaluation will include policies, practices, and procedures currently in effect;
3. Modify those aspects of the School District's operation which do not conform to federal and state law prohibiting discrimination;
4. Maintain data for three years following completion of the evaluation as recommended under paragraph two of this section and, upon request, provide to HEW a description of any modification made pursuant to paragraph three above;
5. Assign responsibility for the implementation of provision of civil rights laws to the Title IX Coordinator and Compliance Officer. This responsibility shall fall under the job description of the School District Business Manager, who can be reached at telephone number: 934-5703, Ext. 222.
6. Design and implement a training program to acquaint the School District's staff with its civil rights responsibilities;
7. Establish and publish a grievance procedure for students and staff as required under provisions of Title IX; and
8. Disseminate the School District's nondiscriminatory policy to clients, the general public, and vendors.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.3 Non-discrimination—Administrative Rules and Regulations

TITLE IX GRIEVANCE PROCEDURE

Students or employees of the School District who feel that they have been discriminated against in violation of the School District's policy to prohibit discrimination shall avail themselves of the following grievance procedure:

I. FILING

- A. A student or employee who believes himself or herself to be a victim of sex discrimination in violation of Title IX of the Education Amendments of 1972, may file a grievance in writing with the district's Title IX Compliance Officer if not grievable by means of another grievance procedure. The report shall include:
 - 1. The complainant's name, address, phone number, and status in the School District, i.e. employee, student;
 - 2. The time, place, and circumstances of the alleged act;
 - 3. The name of the School District employee or representative against whom the complaint is filed; and
 - 4. Such other information as the complainant believes pertinent to his/her case.
- B. The grievance must be filed within seven calendar days of the alleged discriminatory act/conduct or it is waived.
- C. The Compliance Officer shall send a copy of the allegation to the person against whom allegation(s) of discrimination are made within five (5) working days.

II. INVESTIGATION

- A. The School District Compliance Officer shall make a prompt investigation of each charge filed. All parties involved in allegations of discrimination shall be notified of the date and procedures for hearings of such allegations.
- B. If, after investigation, it is the Compliance Officer's opinion that the charge lacks foundation, the officer shall so inform the complainant within fifteen (15) calendar days of the date of filing of the charge.
- C. However, should the Compliance Officer's investigation disclose the possibility that the charge is valid or has some foundation, the officer should meet informally with

the complainant and the district officials/employees involved and endeavor to arrive at an equitable solution to the problem.

III. APPEAL

- A. If the complainant is dissatisfied with either the results of the informal conference or the Compliance Officer's finding that no violation of Title IX has occurred, the complainant may appeal that decision to the Board of Education. Such an appeal must be taken within five days from the date the complainant was informed of the Compliance Officer's decision.
- B. The complainant must submit the appeal in writing and clearly state the reasons for disagreement with the Compliance Officer's disposition of his/her case.

IV. OPTIONAL HEARING PROCEDURES

- A. If the grievance is not informally resolved, both the complainant and the alleged discriminator shall have an opportunity to be heard on their own behalf.
- B. The hearing will be held before any one of the following, at the option of the Board of Education:
 - 1. The full Board of Education;
 - 2. A committee of three Board of Education members appointed by the Board of Education Chair; or
 - 3. A School District administrator recommended by the Compliance Officer and approved by the Board of Education.
- C. The written decision issued as a result of a hearing held pursuant to this section shall be final and shall be subject to review by the full Board of Education. The Board of Education may accept, reject or modify the relief recommended by its designee or the committee of three board members.

005. PERSONNEL
005.3 Non-discrimination
005.31 Handicapped Students

The Board of Education charges the School District with ensuring that students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973 are identified, evaluated and provided with appropriate educational services. Students may be considered handicapped under this policy even though they do not qualify for service pursuant to the Individuals with Disabilities Education Act (IDEA).

Reviewed: 12/99
06/2004
05/2007

005. PERSONNEL
005.3 Non-discrimination
005.32 Equal Educational Opportunity

I. PURPOSE

The purpose of this policy is to ensure that equal educational opportunity is provided for all students of the schools district.

II. GENERAL STATEMENT OF POLICY

- a. It is the school district’s policy to provide equal educational opportunity for all students. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, parental status, status with regard to public assistance, disability, sexual orientation, or age. The school district also makes reasonable accommodations for disabled students.
- b. The school district prohibits the harassment of any individual for any of the categories listed above. For information about the types of conduct that constitute violation of the school district’s policy on harassment and violence and the school district’s procedures for addressing such complaints, refer to the school district’s policy on harassment and violence.
- c. This policy applies to all areas of education including academics, coursework, co-curricular and extracurricular activities, or other rights or privileges of enrollment.
- d. It is the responsibility of every school district employee to comply with this policy conscientiously.
- e. Any student, parent, or guardian having any questions regarding this policy should discuss it with the appropriate school district official as provided by policy. In the absence of a specific designee, an inquiry or a complaint should be referred to the superintendent.

First Reading: _____
Adopted: _____
Reviewed: _____

005. PERSONNEL

005.4 Board of Education Policy Prohibiting Harassment and Violence

I. GENERAL STATEMENT OF POLICY

It is the policy of the School District to maintain a learning and working environment that is free from harassment and violence by:

- A. Prohibiting any form of harassment or violence;
- B. Affirming the rights of individuals to be themselves; and
- C. Creating and maintaining a physically and psychologically safe and respectful environment where learning, growth, and self-esteem can be attained by everyone.

It will be the responsibility of all professional employees of the School District to take appropriate action against any form of harassment or violence. The School District will act to take appropriate action or discipline when this policy has been violated.

It shall be a violation of this policy for any administrator, teacher, student, or other school personnel of the School District to harass, to inflict, threaten to inflict, or attempt to inflict violence upon any student, teacher, administrator, or other school personnel.

II. DEFINITIONS

- A. **SCHOOL DISTRICT PERSONNEL:** School District personnel include Board of Education members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the School District.
- B. **PROFESSIONAL EMPLOYEES:** Professional employees of the district include teachers, administrators and any other persons charged with the supervision of students.
- C. **HARASSMENT:** Harassment shall be defined as physical or verbal conduct that has the purpose or effect of:
 - 1. creating an intimidating, hostile or offensive working or academic environment;
 - 2. substantially or unreasonably interfering with an individual's work or academic performance; or
 - 3. adversely affecting an individual's employment or academic opportunities.

D. VIOLENCE: Violence shall be defined as:

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.

This does not include necessary restraint of a student by teachers, administrators, or other School District personnel to avoid physical harm to persons or property.

E. SEXUAL HARASSMENT: Sexual harassment shall be defined as:

1. unwelcome sexual advances;
2. unwelcome pressure for sexual favors;
3. sexually motivated physical conduct or other verbal or physical conduct; or
4. 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;
 - 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.

Sexual harassment may include but is not limited to:

1. unwelcome verbal harassment or abuse;
2. unwelcome behavior or words directed at an individual because of gender;
3. unwelcome pressure for sexual favors;
4. unwelcome sexual or inappropriate patting, pinching, or physical contact.

(This does not include necessary restraint of a student by teachers, administrators, or other School District personnel to avoid physical harm to persons or property.);

5. unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's employment, or educational status; or
 6. 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.
- F. **RACIAL HARASSMENT:** Racial harassment shall be defined as physical or verbal conduct relating to an individual's race when the conduct has the purpose or effect of:
1. creating an intimidating, hostile, or offensive working or academic environment;
 2. substantially or unreasonably interfering with an individual's work or academic performance; or
 3. adversely affecting an individual's employment or academic opportunities.
- G. **RELIGIOUS HARASSMENT:** Religious harassment shall be defined as physical or verbal conduct which is related to an individual's religion when the conduct has the purpose or effect of:
1. creating an intimidating, hostile, or offensive working or academic environment;
 2. substantially or unreasonably interfering with an individual's work or academic performance; or
 3. adversely affecting an individual's employment or academic opportunities.
- H. **SEXUAL VIOLENCE:** 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 another person's intimate parts. Intimate parts, as defined in Minnesota Statutes Section 609.341, include the primary genital area, groin, inner thigh, buttocks or breasts, as well as the clothing covering these areas.

Sexual violence may include, but is not limited to:

- I. touching, patting, grabbing, or pinching another person's intimate parts,

whether that person is of the same sex or the opposite sex;

- II. coercing, forcing, or attempting to coerce or force the touching of anyone's intimate parts;
 - III. coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another; or
 - IV. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- I. **RACIAL VIOLENCE:** Racial violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race.
 - J. **RELIGIOUS VIOLENCE:** Religious violence is a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.

III. REPORTING PROCEDURES

The Board of Education hereby designates the Human Rights Officer to oversee the actions taken in response to reports or complaints of harassment or violence. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent.

The School District shall conspicuously post the name of the Human Rights Officer, including mailing addresses and telephone numbers.

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

Use of a formal reporting form is not mandatory.

In a formal investigation, the School District 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 District's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

NOTHING IN THIS POLICY SHALL PREVENT ANY PERSON FROM REPORTING HARASSMENT OR VIOLENCE DIRECTLY TO THE DISTRICT HUMAN RIGHTS SUPERVISOR OR TO THE SUPERINTENDENT.

III. REPORTS OR COMPLAINTS AGAINST DISTRICT PROFESSIONALS OR PERSONNEL

- A. **REPORTING PROCEDURES:** Any person who believes he or she has been the victim of harassment or violence by an administrator, teacher, or other School personnel of the School District, or any person with knowledge or belief of conduct which may constitute harassment or violence toward a student, teacher, administrator, or other School Personnel should report the alleged acts immediately to the appropriate building principal, the School District Human Rights Officer, or the Superintendent.

In each School District building, the building principal is the person responsible for receiving and investigating oral or written reports of harassment or violence at the building level. Any adult School District personnel who receives a report of harassment or violence by an administrator, teacher or other School District personnel shall inform the building principal immediately. The School District encourages the reporting party or complainant to use the report form which can be obtained from the principal of each building or from the School District office. Oral reports shall be considered complaints as well. The building principal may request, but may not insist upon, a written complaint.

Upon receipt of a report, the principal must notify the School District Human Rights Officer immediately without screening and prior to investigating the report. A written statement of the alleged facts will be forwarded as soon as practical by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the human rights supervisor. If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the School District Human Rights Officer by the reporting party or complainant.

- B. **INVESTIGATION:** By authority of the School District, the Human Rights Officer, upon receipt of a report or complaint alleging harassment or violence, shall immediately undertake or authorize an investigation. The investigation may be conducted by School District officials or by a third party designated by the School District.

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 other methods and documents which may provide pertinent information to the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the School District 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. Conduct which constitutes harassment or violence of a sexual, racial or religious nature shall be considered most seriously. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all

the facts and surrounding circumstances.

In addition, the School District may take immediate steps, at its discretion, to protect the complainants, teachers, administrators, or other School District personnel pending completion of an investigation of alleged harassment or violence.

The investigation will be completed as soon as practical. The School District investigator shall make a written report to the Superintendent and the Human Rights Officer upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the Board of Education. 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.

- C. **SCHOOL DISTRICT ACTION:** Upon receipt of a written report after the completion of an investigation, the School District will take appropriate action. Such action may include, but is not limited to, warning, suspension, transfer, restitution, termination, or discharge. School District action taken from violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law, and School District policies.

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

V. REPORTS OR COMPLAINTS AGAINST STUDENTS

It is the philosophy of the School District that students are in school to be educated. Therefore, any behavior that alters the effectiveness of the learning environment will be addressed and corrected. Additionally, students who behave in ways which intimidate, offend or cause discomfort for other students or adults will first be educated regarding more appropriate and respectful behaviors.

Students will be disciplined for harassing or violent behavior when they have not responded to efforts to educate them or when the behavior is serious enough to endanger the safety of others.

All School District professionals and personnel are responsible for the enforcement of this policy. Teachers and teacher assistants will address behavior by students that is harassing or violent as such behavior is observed. Students who do not respond to teacher intervention will be referred to the building principal for further intervention. Corrective action taken at the building level may include, but is not limited to, referral to the peer-mediating program, a conflict resolution or other counseling session with a School District counselor or social worker, restitution, community service opportunities in the school, a written problem solving paper, a conference with the student's parent(s)/guardian(s), and a warning conference with the student. Disciplinary action

for severe behavior may include any of the above, as well as suspension, exclusion, expulsion, and a report to law enforcement. Harassment which is sexual, religious, or racial in nature, and any form of physical violence will be treated as serious behavior.

Building principals must maintain written records of interventions attempted to correct harassing and violent behavior. These records will be available to, and reviewed by, the School District Human Rights Officer on a regular basis.

Nothing in this policy, or any action by any School District professionals or personnel shall discourage or prevent any student from filing a written complaint of harassment or violence with the building principal, the School District Human Rights Officer, or the Superintendent. Complaint forms will be available to all students from the principal of each building and the School District office. A copy of all written complaints must be sent immediately to the School District Human Rights Officer, and an investigation by the building principal must commence within one school day of receipt of the complaint. The building principal will forward to the Superintendent and the Human Rights Officer a written statement of findings and action taken when such investigation is complete.

VI. REPRISAL

The School District will discipline or take appropriate action against any administrator, teacher, or other School District personnel who retaliates against any person who reports alleged harassment or violence of 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.

VII. RIGHT TO ALTERNATE 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.

VIII. HARASSMENT OR VIOLENCE AS ABUSE

Under certain circumstances, alleged harassment or violence may also be classified as abuse under Minnesota law. If so, the duties of mandatory reporting under Minnesota Statute, Section 626.556 may be applicable.

Nothing in this policy will prohibit the School District from taking immediate action to protect victims of alleged harassment, violence, or abuse.

IX. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted THROUGHOUT each School District building in areas accessible to s and staff members.
- B. This policy shall appear in the student and teacher handbooks.
- C. The School District will develop a method of discussing this policy with students and employees.
- D. This policy shall be reviewed for compliance with state and federal law.

Reviewed: 12/99
06/2004

005. PERSONNEL

**005.4 Board of Education Policy Prohibiting Harassment and Violence—
Administrative Rules and Regulations**

The elimination and prevention of sexual harassment and sexual violence in order to maintain a safe and positive working and learning environment is the goal of Independent School District No. 508. To reach this goal, the School District will provide 1) staff development for identification and prevention, 2) classroom curriculum and instruction, 3) student services, and 4) opportunities for student, staff, and community participation. All these strategies will be designed to help prevent sexual harassment and sexual violence.

I. PLAN FOR IN-SERVICE IN THE IDENTIFICATION AND PREVENTION OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE:

After the adoption of ISD 508's policy prohibiting sexual harassment and sexual violence, all of the School District employees, contracted program staff, and volunteers will receive an initial training which will include the following:

- A. Definition of sexual harassment and sexual violence;
- B. Explanation of the district policy and grievance procedures;
- C. Legal prohibitions and consequences of sexual harassment and sexual violence;
- D. Pertinent examples of sexual harassment; and
- E. Overview of sexual harassment identification and prevention curriculum for students.

New employees and others who come into contact with learners will receive initial training soon after they begin their responsibilities with the School District.

Each subsequent year, ISD 508's employees, contracted program staff and volunteers will be provided with additional training opportunities which will restate the School District's commitment to providing a harassment-free working and learning environment and provide the staff with opportunities to broaden their knowledge of the issues related to sexual harassment and sexual violence.

II. PLAN FOR CLASSROOM CURRICULUM AND INSTRUCTION IN THE IDENTIFICATION AND PREVENTION OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE:

Upon the adoption of ISD 508's policy prohibiting sexual harassment and sexual violence, all students, in one of their classes, will receive age-appropriate information which will include the following:

- A. A copy of the School District's policy;
- B. An explanation of the policy and its purpose;
- C. A definition of sexual harassment and sexual violence;
- D. Instruction in what to do if one is a victim of sexual harassment or sexual violence;
- E. A clear delineation of the sanctions against anyone found to have been a perpetrator of sexual harassment or sexual violence;
- F. Information on the consequences to individuals who are found to have made a frivolous accusation; and
- G. A safe and supportive forum for discussion by the students of the issue of sexual harassment and of their related concerns.

In addition, an age-appropriate curriculum will be adopted for use in the classroom which will teach students how to deal with sexual harassment and sexual violence, if it is happening to them and teach them how to treat others with courtesy and respect so that the underlying causes of sexual harassment are removed.

III. PLAN FOR STUDENT SERVICES IN THE IDENTIFICATION AND PREVENTION OF SEXUAL HARASSMENT AND SEXUAL VIOLENCE:

Upon the adoption of ISD 508's policy prohibiting sexual harassment and sexual violence, a plan will be made to provide staff and students with professionals such as counselors, school nurses, social workers, and psychologists who will provide the following:

- A. support services to help individuals determine whether or not an experience may have been sexual harassment or sexual violence;
- B. counseling and other support services to help harassed or violated individuals;
- C. consultation and support to enable individuals to file a complaint regarding an accusation, when appropriate;
- D. support services for victimizers; and/or
- E. referral services to other agencies or organization when needed to meet needs of individuals.

IV. PLAN FOR STUDENT STAFF AND COMMUNITY PARTICIPATION ON THE IDENTIFICATION AND PREVENTION OF SEXUAL HARASSMENT AND SEXUAL

VIOLENCE TO PARENTS/GUARDIANS AND COMMUNITY MEMBERS:

Parents/guardians will be informed of School District's policy prohibiting sexual harassment and sexual violence by the inclusion of information about the policy and the procedure for filing a grievance in printed materials sent home with students who are under 18 years of age.

In addition, there will be a continuing effort to provide opportunities for further community participation on the issues related to sexual harassment and sexual violence through its inclusion in Parent Teacher Student Association (PTSA) programs or other public forums.

**INDEPENDENT SCHOOL DISTRICT 508
SEXUAL HARASSMENT AND SEXUAL VIOLENCE REPORT FORM**

GENERAL STATEMENT OF POLICY PROHIBITING SEXUAL HARASSMENT

All persons are to be treated with respect and dignity. Sexual violence, sexual advances, or other forms of personal harassment by any person, male or female, which creates an intimidating, hostile, or offensive environment will not be tolerated under any circumstances.

Complainant:	
Home Address:	
Work Address:	
Home Phone:	Work Phone:
Date of Alleged Incident(s):	
Name of person you believe sexually harassed or was sexually violent toward you:	
List any witnesses that were present:	
Where did the incident(s) occur?	
Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, physical contact was involved; what did you do to avoid the situation, etc. (Attach additional pages if necessary.)	

This complaint is filed based on my honest belief that _____ has sexually harassed or was sexually violent to me. 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)

005. PERSONNEL

005.4 Board of Education Policy Prohibiting Harassment and Violence

005.41 Bullying Prohibition

I. GENERAL STATEMENT OF POLICY

- A. Any act of bullying, by either an individual student or a group of students, is expressly prohibited on School District property or at school-related functions. This policy applies not only to students who directly engage in an act of bullying but also to students who, by their indirect behavior, condone or support another student's act of bullying.
- B. No teacher, administrator, volunteer, contractor, or other employee of the School District shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, or false reporting of bullying, or permits, condones, or tolerates bullying shall be subject to discipline for that act in accordance with School District's policies and procedures. The School District may take into account the following factors:
 - 1. The developmental and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature of the behavior;
 - 3. Past incidences or past or continuing patterns of behavior;
 - 4. The relationship between the parties involved; and
 - 5. The context in which the alleged incidents occurred.

Consequences for students who commit prohibited acts of bullying may range from positive behavioral interventions and education about bullying up to and including suspension, detention, School After Hours, and/or expulsion. Consequences for employees who permit, condone, or tolerate

bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination or discharge. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from School District property and events and/or termination of services and/or contracts.

- G. The School District will investigate all complaints of bullying and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who is found to have violated this policy.

II. DEFINITIONS

For purposes of this policy, the definitions included in this section apply.

- A. “Bullying” means any written or verbal expression, physical act or gesture, or pattern thereof, by a student that is intended to cause or is perceived as causing distress to one or more students and which substantially interferes with another student’s or students’ educational benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct by a student against another student that a reasonable person under the circumstances knows or should know has the effect of:
 - 1. harming a student;
 - 2. damaging a student’s property;
 - 3. placing a student in reasonable fear of harm to his or her person or property; or
 - 4. creating a hostile educational environment for a student.
- B. “Immediately” means as soon as possible but in no event longer than 24 hours.
- C. “On School District property or at school-related functions” means all School District buildings, school grounds, and school property or property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicles approved for School District purposes, the area of entrance or departure from school grounds, premises, or events, and all school-related functions, school-sponsored activities, events, or trips.

III. REPORTING PROCEDURE

- A. Any person who believes he or she has been the victim of bullying or any person with knowledge or belief of conduct that may constitute bullying shall report the alleged acts immediately to an appropriate School District official. A student may report bullying anonymously, but action may not be taken against an alleged perpetrator based solely on an anonymous report.
- B. The School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the School District office, but oral reports shall be considered complaints as well.
- C. The building principal or the principal's designee or the building supervisor is the person responsible for receiving reports of bullying at the building level. Any person may also report bullying directly to a School District human rights officer or the Superintendent.
- D. A teacher, school administrator, volunteer, contractor, or other School District employee shall be particularly alert to possible situations, circumstances, or events that might include bullying. Any such person who receives a report of, observes, or has other knowledge or belief of conduct that may constitute bullying shall inform the building principal immediately.
- E. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.
- F. Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, work assignments, or educational or work environment.
- G. The School District 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 the School District's obligation to investigate, take appropriate action, and comply with any legal disclosure obligations.

IV. SCHOOL DISTRICT ACTION

- A. Upon receipt of a complaint or report of bullying, the School District shall undertake or authorize an investigation by School District officials or a third party designated by the School District.
- B. The School District may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, the School District will take appropriate action. Such action may include, but is not limited to, education/counseling,

warning, detention, School After Hours, suspension, exclusion, expulsion, transfer, remediation, termination, or discharge. Disciplinary consequences will be sufficiently severe to try to deter violations and to appropriately discipline prohibited behavior. School District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements; applicable statutory authority, including the Minnesota Fair Dismissal Act; School District policies; and regulations.

- D. The School District is not authorized to disclose to a victim private educational or personnel data regarding an alleged perpetrator who is a student or employee of the School District. School District officials may, at their discretion, notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

V. REPRISAL

The School District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who retaliates against any person who makes a good faith report of alleged bullying or against any person who testifies, assists, or participates in an investigation, or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying. Retaliation includes, but is not limited to, any form of intimidation, harassment, or intentional disparate treatment.

VI. TRAINING AND EDUCATION

- A. The School District annually will provide information and any applicable training to School District staff regarding this policy.
- B. The School District annually will provide information and opportunities for education to students and parents/guardians regarding bullying, including information regarding this School District policy prohibiting bullying, the harmful effects of bullying, and other applicable initiatives to prevent bullying.
- C. The administration of the School District is directed to implement programs and other initiatives to prevent bullying, to respond to bullying in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying.

VII. NOTICE

The School District will give annual notice of these rules and regulations to students, parents or guardians, and staff, and this policy shall appear in the student

handbook.

First Reading: 06/10/04

Adopted: 07/08/04

Reviewed: _____

005. PERSONNEL

005.4 Board of Education Policy Prohibiting Harassment and Violence

005.42 Hazing

I. PURPOSE

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 the School District and are prohibited at all times.

II. GENERAL STATEMENT OF POLICY

- A. No student, teacher, administrator, volunteer, contractor, or other employee of the School District shall plan, direct, encourage, aid, or engage in hazing.
- B. No teacher, administrator, volunteer, contractor, or other employee of the School District shall permit, condone, or tolerate hazing.
- 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 and off School District property and during and after school hours.
- E. A person who engages in an act that violates School District policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline.
- F. The School District will investigate all complaints of hazing and will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who is found to have violated this policy.

III. DEFINITIONS

- A. "Hazing" 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 harms of hazing include, but are not limited to, mental stress, embarrassment, shame, or humiliation that adversely affects the mental health or dignity of the student or that adversely affects student performance. 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 threatens the student with ostracism; and
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of School District 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 District events. A student organization does not have to be an official School District organization to come within the terms of this definition.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of hazing is encouraged to report the alleged acts immediately to an appropriate School District official designated by this policy.
- B. The building principal is the person responsible for receiving reports of hazing at the building level. Any person may report directly to a School District human rights officer or to the Superintendent.
- C. Teachers, administrators, volunteers, contractors, and other employees of the School District 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 belief of conduct, which may constitute hazing, shall inform the building principal immediately.
- D. Submission of a good faith complaint or report of hazing will not affect the complainant's or reporter's future employment, grades, or work assignments.

V. SCHOOL DISTRICT ACTION

- A. Upon receipt of a complaint or report of hazing, the School District shall undertake or authorize an investigation by School District officials or a third party designated by the School District.
- B. The School District may take immediate steps, at its discretion, to protect the complainant, report, students, or others pending completion of an investigation of hazing.
- C. Upon completion of the investigation, the School District 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 District action taken for violation of this policy will be consistent with the requirements of applicable collective bargaining agreements, applicable statutory authority, including the Minnesota Fair Dismissal Act, School District policies and regulations.

VI. REPRISAL

The School District will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the School District who retaliates against any person who makes a good faith report of alleged hazing or against any person who testifies, assists, or participates in an investigation, 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.

VII. DISSEMINATION OF POLICY

This policy shall appear in each school's student handbook and in each school's staff handbook.

005. PERSONNEL

005.5 Chemical Free Workplace/Chemical Dependency

It shall be the policy of Independent School District 508 that employees shall not possess, use, distribute, dispense, or be under the influence of alcohol or other mood altering chemicals which are identified as controlled substances while performing assigned duties as an employee of the School District.

The School District recognizes that chemical dependency is best described as a treatable disease often preceded by misuse, abuse and often complicated by behavioral malfunctioning. In this regard, the School District shall make provisions for:

1. Periodic information and/or in-service relating to chemical use and abuse;
2. Prevention, identification, intervention, referral, and aftercare reentry assistance; and
3. Employee assistance for those employees identified as needing a chemical dependency assessment to determine the need for treatment, including the necessary time to be in a treatment program.

If an employee fails to participate satisfactorily in a treatment program after it is determined by a person trained in chemical dependency intervention that the individual needs such a program, that employee may be subject to disciplinary action and termination by the Board of Education.

Those who dispense or distribute any controlled substance will be subject to discipline and/or termination at the discretion of the Board of Education.

The appropriate use of a drug authorized by medical prescription shall not be considered in violation of this policy.

Each employee shall be notified of this policy.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.51 Employee Right to Know—Exposure to Hazardous Substances

I. PURPOSE

The purpose of this policy is to provide School District employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm.

II. GENERAL STATEMENT OF POLICY

It is the policy of this School District to provide information and training to employees who may be routinely exposed to a hazardous substance, harmful physical agent, or infectious agent.

III. DEFINITIONS

- A. “Commissioner” means the Minnesota Commissioner of Labor and Industry.
- B. “Routinely exposed” means that there is a reasonable potential for exposure during the normal course of assigned work or when an employee is assigned to work in an area where a hazardous substance has been released.
- C. Hazardous substance” means a chemical or substance, or mixture of chemicals and substances, which:
 - 1. is regulated by the Federal Occupational Safety and Health Administration under the Code of Federal Regulations, title 29, part 1920, subpart Z; or
 - 2. is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or
 - 3. is determined the Commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

- D. "Harmful physical agent" means a physical agent determined by the Commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or non-ionizing.
- E. "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the Commissioner by rule, with approval of the Commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.
- F. "Blood borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

IV. TARGET JOB CATEGORIES

Training will be provided to all full and part-time employees who are routinely exposed to a hazardous substance, harmful physical agent, or infectious substance.

V. TRAINING SCHEDULE

Training will be provided to employees before beginning a job assignment as follows:

- A. any newly hired employee assigned to a work area where he or she is determined to be "routinely exposed" under the guidelines above.
- B. Any employee reassigned to a work area where he or she is determined to be routinely exposed under the above guidelines.

Adopted: June 2006

005. PERSONNEL

005.6 Department Chairpersons/Lead Teachers

It is the policy of Independent School District 508 that the Board of Education may exercise its sole discretion in determining whether or not department chairpersons shall be employed to strengthen the instructional program of the School District.

When department chairs and/or lead teachers are employed, the group that they represent will recommend to the building level principal the individuals that wish to serve as department chairperson and/or grade level leaders. If approved by the building level principal, the list will be presented to the Superintendent for final approval.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.7 Working Conditions Not Covered in the Contract

005.71 Recognition for Employee Service

It shall be the policy of the Board of Education of Independent School District 508 to recognize, upon retirement or resignation, the service of employees who have served the district for a minimum of ten (10) consecutive years. Such recognition shall include an appropriate message inscribed on a brass hand bell and shall be presented to the employee by an officer of the Board of Education.

In addition, the Board of Education will recognize all employees for twenty-five (25) years of service by the issuance of a plaque.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.7 Working Conditions Not Covered in Contract

005.72 Telecommunications

SECTION 1. DEFINITIONS: Telecommunications will be defined as the teaching of students via a two-way interactive television system.

SECTION 2. RESPONSIBILITY OF TEACHERS: The telecast teacher shall be responsible for the course content, material selection, instruction, testing and evaluation, and all other necessary instructional responsibilities for the students at all remote sites. Said teacher shall not, however, be responsible for the behavior or supervision of the students located in the remote sites.

SECTION 3. CLASS SIZE: The School District agrees to be governed by the State Department rules and regulations with regard to the teacher's "daily student contact" and by the class size rules determined by the district for courses being taught by telecommunication.

SECTION 4. REBROADCAST CONDITIONS: Video tapes may be made of the televised instruction only for the purpose of providing make-up work for students who were absent from school during the original telecast period.

SECTION 5. EQUIPMENT: The School District agrees to provide appropriately trained employees to maintain and repair the telecommunications equipment. Classroom teachers shall not be required to perform such maintenance or repair work.

SECTION 6. PREPARATION TIME: The School District agrees to comply with the State Department rules and regulations with regard to preparation time for teachers who are involved in the telecommunications classes.

SECTION 7. STRIKE PROHIBITION: No telecommunication broadcasts shall be provided to a School District where the teachers are conducting a legal strike.

SECTION 8. GERMANE CREDITS: College granted credits designed to improve a teacher's knowledge of the telecommunication process shall be considered germane to a teacher's assignment.

SECTION 9. CALENDAR, EVALUATION: The School District calendar shall be complied with in regard to telecommunication programs. Teachers from the School District shall be evaluated and directed only by the School District.

SECTION 10. TEACHER ASSIGNMENTS: Telecommunication teaching assignments shall be handled in the same fashion that other course assignments are handled in the School District. The administration will take into consideration the concerns of the various

teachers when making such assignments.

SECTION 11. MEET AND CONFER: If a teacher has a problem or concern about the implementation of said policy, the teacher shall first present the matter to the responsible principal. If the matter is not resolved at that level, then the teacher shall present the matter to the Superintendent. If the matter is not resolved at that level, then the teacher may use the meet and confer process to resolve the matter. Thereafter, if the matter is not resolved, the teacher shall be granted a hearing before the full Board of Education.

SECTION 12. AMENDMENTS: Before any change is made to said policy, the teachers will be asked for their input and it shall be considered before an amendment is made. Thereafter, if there is a concern left unresolved, then it shall be dealt with through the meet and confer process.

SECTION 13. TEACHING LOADS: During a teacher's first year of teaching on the telecommunication system, a teacher may be limited to three (3) teaching blocks during the duty day, at the teacher's option.

Reviewed: 12/99
06/2004

005. PERSONNEL
005.7 Working Conditions Not Covered in Contract
005.73 School District Imposed Changes

It may become necessary from time to time to unilaterally impose rules and regulations which may change the working conditions of teachers. Prior to adopting any policy, that may materially change the working conditions of teachers, the Board of Education or a designee of the Board of Education will meet and confer with members of the teachers bargaining unit.

Reviewed: 12/99
06/2004

005. PERSONNEL
005.7 Working Conditions Not Covered in Contract
005.74 Substitute Teachers

Compensation for substitute teachers shall be reviewed annually and determined by the Board of Education. Compensation for persons working more than 30 days for the same teacher is covered in the Master Contract.

Reviewed: 12/99
06/2004

005. PERSONNEL
005.7 Working Conditions Not Covered in Contract
005.75 Teacher Strikes

The Board of Education has determined that in the event of a work stoppage by the Teacher's Association of the School District, the following policy provisions shall be in effect:

1. All schools of the School District shall close. School shall not reopen until the Master Contract with the Teachers' Association has been legally signed by all parties;
2. All School District activities shall cease, all activity programs shall be cancelled and there shall be no rescheduling or make-up of any game, meet, or other activity;
3. Teachers shall not be permitted to enter the School District buildings;
4. All non-striking personnel whose services are not required during the strike shall be temporarily laid off;
5. The Superintendent is directed to implement these policies and to secure the School District buildings and facilities; and
6. The following shall serve, as designated:

Board Spokesperson -----	Board Chairperson
Public Information Person -----	Superintendent
Strike Control Committee -----	Superintendent, all Principals, Board Chairperson, Board Negotiator, Building and Grounds Supervisor, Business Manager

Reviewed: 12/99
06/2004

005. PERSONNEL

005.7 Bus Drivers

005.76 Staff Members as Bus Drivers

The Board of Education encourages staff members to qualify as bus drivers for the student activity program and furthermore authorizes the Superintendent to approve expenses related to such licensing.

Reviewed: 12/99
06/2004

005. PERSONNEL
005.7 Working Conditions Not Covered in the Contract
005.77 Swimming Instructors

It is the policy of the School District that the instructor of swimming for physical education classes shall have a proof of certification in water safety instruction in the appropriate principal's office.

Reviewed: 12/99
06/2004

005. PERSONNEL
005.7 Working Conditions Not Covered in Contract
005.78 Automatic Payroll Deposit Policy

All regular employees will be paid through the automatic payroll deposit program. Net payroll amounts will be deposited each payroll period in an employee's checking and/or savings account. The following procedures are to be followed in the automatic payroll deposit program:

1. Each employee must provide an original institution voided check for the account(s) they are requesting the monies to be deposited in;
2. Employees will be allowed changes on a monthly basis for the amounts deposited to each account or the location of the account. The School District payroll department must receive proper notification by the 25th of the month to allow changes for the following month; and
3. Each employee will receive an explanation of the gross salary, the various payroll deductions, and the net deposit at least two days prior to the designated payroll date each month.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.7 Working Conditions not Covered in Contract

005.79 Medical Insurance in Retirement

The School District will provide to retirees of Saint Peter Public Schools who qualify for retirement under an individual or group contract access to the District's health plans as stated in MN Statute 471.61. In addition to the access provided by Statute 471.61, the School District will allow retirees to change their coverage from single to family as permitted by the School District's health insurance carrier, up to the age of 65. Retirees may switch from single to family coverage within the same plan anytime during the year, but they may only switch plans during the yearly open enrollment period.

This policy applies only to those who retired after June 1, 2000. Retirees after June 1, 2000, have a School District contribution of either a capped amount in retirement or a lump sum set aside. Retirees before June 1, 2000, are protected by statute and may continue to be part of the School District's medical insurance plans but do not have the option of switching from single to family coverage after retirement.

First Reading: 05/09/02
Approved: 06/13/02
Reviewed: 06/2004

005. PERSONNEL

005.80 School District/Employee Relations

**005.81 Resale of Goods and Materials to School District
Employees**

The School District does not wish to compete with merchants in the sale of their goods and materials. The School District will not resell goods and materials to School District employees.

This policy is not intended to restrict the purchase of goods and materials sold by students as money raising projects.

Reviewed: 12/99
06/2004

005. PERSONNEL

005.8 School District/Employee Relations

**005.82 Employee Publications, Instructional Materials, Inventions,
and Creations**

I. GENERAL STATEMENT OF POLICY

This policy exists to encourage research and innovation, clarify ownership of intellectual property rights, create opportunities for public use of School District innovations and provide for the equitable distribution of monetary and other benefits derived from intellectual property. The policy applies to all faculty, staff, students, and any other persons employed by the School District and to all persons receiving funding administered by the School District.

II. SCOPE OF POLICY

When an employee develops, creates, or assists in developing or creating any publication, instructional material, computer program, invention or creation, the employee shall immediately disclose and, on demand of the School District, assign any rights to publications, instructional materials, computer programs, materials posted on websites, inventions or creations, which the employee develops or creates or assists in developing or creating during the term of the employees' employment. In addition, employees shall sign such documents and perform such other acts as may be necessary to secure the rights of the School District relating to such publications, instructional materials, computer programs, materials posted on websites, inventions, and/or creations, including domestic and foreign patents and copyrights.

III. DISTRIBUTION OF INCOME

If any net income is realized from any activity under Section II above, the net income shall be divided as follows:

1. 33 1/3 percent to the creator; and
2. 66 2/3 percent to the School District.

First Reading: February 10, 2005

Second Reading: March 10, 2005

Reviewed: _____

005. PERSONNEL

005.9 Employment Background Checks

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment in the school district in order to promote the physical, social, and psychological well-being of its students.

II. GENERAL STATEMENT OF POLICY

- A. The school district shall require that applicants for school district positions who receive an offer of employment submit to a criminal history background check.
- B. The offer of employment shall be conditioned upon a determination by the school district that an applicant's criminal history does not preclude the applicant from employment with the school district.
- C. The school district shall require that all individuals, except enrolled student volunteers, who are offered the opportunity to provide athletic coaching services or other co-curricular services to the district submit to a criminal background check.
- D. The opportunity to provide such service shall be conditioned upon a determination by the school district that the individual's criminal history does not preclude the individual from providing service to the school district.
- E. The school district specifically reserves any and all rights it may have to conduct background checks regarding current employees or applicants without the consent of such individuals.
- F. Adherence to this policy by the school district shall in no way limit the school district's right to require additional information, or to use procedures currently in place or other procedures to gain additional background information concerning employees, applicants, volunteers, independent contractors, and student employees.

III. PROCEDURES

- A. Background checks will be performed by the Minnesota Bureau of Criminal Apprehension (hereinafter "the BCA"). The school district reserves the right to also have criminal history background checks conducted by other organizations or agencies.

- B. Normally an applicant will not commence employment until the school district receives the results of the criminal history background check. The school district may conditionally hire an applicant pending completion of the background check, but shall notify the applicant that the applicant's employment may be terminated based on the result of the background check.
- C. An applicant who is offered employment must sign a criminal history consent form, which provides permission for the school district to conduct a criminal history background check, and may be requested to provide a money order or check payable to either the BCA or to the school district, in an amount equal to the actual cost to the BCA and the school district of conducting the criminal history background check. If the applicant fails to provide the school district with a signed Informed Consent Form and fee at the time the applicant receives a job offer, the applicant will be considered to have voluntarily withdrawn the application for employment.
- D. Copies of this policy shall be available in the school district's employment office and will be distributed to applicants for employment upon request. The need to submit to a criminal history background check may be included with the basic criteria for employment in the job posting and job advertisements.
- E. The applicant will be informed of the results of the criminal background check(s) to the extent required by law.
- F. If the criminal history background check precludes employment with the school district, the applicant will be so advised.
- G. The school district may apply these procedures to volunteers, independent contractors, or student employees as though they were applicants for employment.

IV. CRIMINAL HISTORY CONSENT FORM

Forms to obtain consent for criminal history background checks are included with this policy.

V. NOTIFICATION

At the beginning of each school year, or when a new student enrolls after the start of the school year, the school district will notify the parents and or guardians of the student of this policy.

First Reading: November 13, 2008
 Approved: December 11, 2008
 Reviewed: _____