



Employee Handbook

2013-2014

Columbia Heights Public Schools Staff:

We pride ourselves on offering "the best of both worlds" - the close-knit sense of a small town community along with all of the advantages that come with being part of a major metropolitan area. Our district is large enough to provide a variety of unique educational opportunities, yet is small enough so that administrators, staff, parents, and students know each other and share a sense of community. Above all, we are committed to providing appropriate educational opportunities so that all learners can develop to their full potential. We truly provide "Worlds of Opportunity for Every Learner"!

This employee handbook will provide answers and guidance during your employment with Columbia Heights Public Schools. If you have any questions that are not addressed in this handbook please contact the Human Resources Department for assistance.

Please keep in mind that this handbook provides a set of guidelines for your employment and is not inclusive of all workplace policies and rules. Your individual contract of employment or an applicable collective bargaining agreement also governs the terms and conditions of your employment.

THIS EMPLOYEE HANDBOOK IS NOT A CONTRACT BETWEEN YOU AND THE SCHOOL DISTRICT AND CANNOT BE ENFORCED AS SUCH.

I am happy you have chosen to be part of the Columbia Heights Public Schools staff and wish you success in your career with the district.

Sincerely,

A handwritten signature in black ink that reads "Kathy L. Kelly". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Kathy L. Kelly
Superintendent
Columbia Heights Public Schools

This employee handbook provides information you will find useful during your employment with Columbia Heights Public Schools. Please direct any questions regarding this employee handbook to Lindsey Bennett, Human Resources Director at 763-528-4516; Elizabeth Bruchu, Human Resources Generalist at 763-528-4418 or Erin Shroyer, Human Resources Generalist at 763-528-4417.

The Columbia Heights School Board Policy Manual is located on the district website: www.colheights.k12.mn.us. If you do not have access to the internet, please see the Secretary at your building of assignment for assistance in locating a computer with internet access.

Please be aware of the following disclaimers of this employee handbook:

- **This handbook does not create a contract and should not be interpreted as creating a contract, either expressed or implied.**
- **This handbook does not alter the “at-will” employment relationship that exists between certain employees and the school district. Neither this handbook nor any of the benefits described herein guarantee employment for any period of time.**
- **Employees under a Collective Bargaining Agreement (i.e., Clerical Master Agreement, Food Service Master Agreement, Education Assistant Master Agreement, Teacher Master Agreement, Custodial Master Agreement, and Principal Master Agreement) are not considered “at-will” employees.**
- **Terms and conditions of employment are governed by applicable federal, state, and local laws. In the event any policy in the handbook is in conflict with applicable law, the law will prevail.**
- **This handbook provides a set of guidelines for your employment and is not inclusive of all workplace policies and rules. All employees are expected to abide by School Board policies, rules, regulations, directives, and orders.**
- **This handbook applies to all employees of Columbia Heights Public Schools.**
- **This handbook supersedes and replaces any previous handbooks regarding the terms and conditions of your employment.**
- **This handbook may be changed and any of the components may be discontinued at any time without prior notice**

Contacts

Human Resources Contacts

Lindsey Bennett, Human Resources Director
763-528-4516 or bennettl@colheights.k12.mn.us

Elizabeth Bruchu, Human Resources Generalist
763-528-4418 or bruchue@colheights.k12.mn.us

Erin Shroyer, Human Resources Generalist
763-528-4417 or shroyere@colheights.k12.mn.us

Rebecca Miller, Human Resources Administrative Assistant
763-528-4421 or millerr@colheights.k12.mn.us

Payroll Contacts

Teri Patterson, Payroll Accountant (*payroll questions and myView support*)
763-528-4532 or patterst@colheights.k12.mn.us

Gary Hauan, Manager of Accounting Services
763-528-4412 or hauang@colheights.k12.mn.us

Bill Holmgren, Director of Finance & Operations
763-528-4411 or holmgreb@colheights.k12.mn.us

Union Steward Contacts

Teachers:	Coleman Nemerov, North Park Local #710	763-528-4319
Education Assistants:	Carol White, Valley View Local #284	763-528-4218
Clerical:	Kathy Garman, High School Local #284	763-528-4638
Custodians:	Craig Larson, High School Local # 284	763-528-4677
Food Service:	Deb Vera, Columbia Academy Local #284	763-528-4771

Contact your union steward right away when you begin working, as there may be union dues that need to be set up before you are paid, in order to avoid catch-up payments on subsequent checks.

TABLE OF CONTENTS

District Mission Statement.....	1
About Our Schools	1
Start and End Times	1
Equal Opportunity Employment.....	1
Harassment and Violence	2
Respect in the Workplace	2-3
Disability/Reasonable Accommodation	3
Drug-Free Workplace/Drug-Free School.....	3
Tobacco-Free Environment.....	4
School Weapons Policy.....	4
Bullying Prohibition Policy Including Cyberbullying	5
Hazing Prohibition	5
Gifts to Employees	5
Mandated Reporting of Child Neglect, Physical or Sexual Abuse	5
Mandated Reporting of Maltreatment of Vulnerable Adults	5
Employee Time Records.....	5-6
Federal/State Wage and Hour Laws	6
Employee Benefits	6-9
Genetic Information Nondiscrimination Act (GINA)	9
Notice of Employee Right to Access to Medical or Exposure Records.....	9
Employee Right to Know – Exposure to Hazardous Substances	9-10
Step Advancement	10
Employee Leave	10-14
Internet Acceptable Use and Safety.....	14
Employee-Student Relationships Policy.....	14-15
Identification Badges/Prox Cards.....	15
Solicitation	15
Voting	16
Employee Publications, Instructional Materials, Inventions and Creations.....	16
Discipline, Suspension, and Dismissal of School District Employees.....	16
Termination/Resignation	16
Criminal Background Checks	17
I-9 Compliance	17
Pay Schedule	17

Direct Deposit.....	17-18
TIES mvView.....	18
Jury Duty.....	18
Demographic Changes.....	18-19
Parking	19
Emergency School Closings	19
Personnel and Employee Files	19-20
Job Postings	20
Nepotism	20
Appearance/Grooming	20
Travel/Business Expense Reimbursement.....	20
Employee Evaluations.....	20-21
References	21
Appendix	22

District Mission Statement

Columbia Heights Public Schools create worlds of opportunity for every learner in partnership with supportive small-town communities by challenging all to discover their talents, unleash their potential, and develop tools for lifelong success.

About Our Schools

The Columbia Heights School District serves approximately 2,700 students in grades K-12 and Pre-K at the following locations.

North Park Elementary	PreK-5	5575 Fillmore St. NE	763-528-4300
Highland Elementary	PreK-5	1500 49 th Ave. NE	763-528-4400
Valley View Elementary	K-5	800 49 th Ave. NE	763-528-4200
Columbia Academy	6-8	900 49 th Ave. NE	763-528-4701
Achieve	6-8	900 49 th Ave. NE	763-528-4701
Columbia Heights High School	9-12	1400 49 th Ave. NE	763-528-4600
Columbia Heights Family Center	Pre-K	1460 49 th Ave. NE	763-528-4517

Start and End Times

The times listed below indicate the start and end times for each school. Employee start and end times may be different than the start and end times listed below. Staff should contact their supervisor/building principal if they have any questions regarding their start and end times.

	Classes Begin	Classes End
North Park	7:55 AM	2:20 PM
Highland	7:55 AM	2:20 PM
Valley View	7:55 AM	2:20 PM
Columbia Academy	8:20 AM	3:15 PM
Achieve	8:20 AM	3:15 PM
Columbia Heights H.S.	8:20 AM	3:05 PM

Equal Opportunity Employment

It is the school district's policy to provide an equal employment opportunity for all applicants and employees. The school district does not unlawfully discriminate on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, status with regard to public assistance, disability, sexual orientation, age, family care leave status or veteran status. The school district also makes reasonable accommodations for disabled employees.

This policy applies to all areas of employment including hiring, discharge, promotion, compensation, facilities or privileges of employment.

It is the responsibility of every school district employee to follow this policy. Refer to **School Board Policy 401 *Equal Employment Opportunity*** for more information.

Harassment and Violence

The purpose of the *Harassment and Violence* policy is to maintain a learning and working environment that is free of harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of the school district harasses a pupil, teacher, administrator or other school personnel or group of pupils, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)

A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence, based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

Refer to **School Board Policy 413 *Harassment and Violence*** in the appendix of the Employee Handbook for more information.

Respect in the Workplace

Columbia Heights Public Schools is a community of diverse races, creeds, cultures, and social affiliations. The district is committed to promoting and supporting a community where all people can work and learn together in an atmosphere free of abusive or demeaning treatment. The district values each member of the Columbia Heights Public Schools community for individual and unique talents, and applauds all efforts to enhance the quality of the school district. The district strives to maintain a climate of mutual respect and support constructive strategies for conflict resolution.

As a community of learners, faculty and staff of the school district are expected to practice basic principles of mutual respect by:

1. Valuing each others' work and roles
2. Behaving in ways that shows respect toward co-workers
3. Developing relationships built on trust
4. Promoting a climate that is fair, supportive, and responsive
5. Creating a welcoming environment through our words, actions, and physical surroundings
6. Encouraging open and honest communication
7. Celebrating our differences

Refer to **School Board Policy 422.1 *Respect in the Workplace*** for more information.

Disability/Reasonable Accommodation

The school district will not discriminate against qualified individuals with disabilities, because of the disabilities of such individuals in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions, and privileges of employment. The school district shall make reasonable accommodations for the known physical or mental limitations of a qualified individual who is an applicant or employee, unless the accommodation would impose undue hardship on the operation of the business of the school district.

Job applicants or employees wishing to discuss the need for a reasonable accommodation or other matters related to a disability or the enforcement and application of the *Disability Nondiscrimination Policy* should contact Human Resources.

Refer to **School Board Policy 402 *Disability Nondiscrimination Policy*** for more information.

Drug-Free Workplace/Drug-Free School

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician prescription.

Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.

It shall be a violation of this policy for any student, teacher, administrator, other school district personnel, or member of the public to use alcohol, toxic substances, or controlled substances in any school location.

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

Refer to **School Board Policy 418 *Drug-Free Workplace/Drug-Free School*** for more information.

Tobacco-Free Environment

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

Violation of this policy occurs when any student, teacher, administrator, other school personnel of the school district or person smokes or uses tobacco, tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation. This prohibition includes all school district property and all off-campus school district-sponsored events.

A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for work purposes, during hours of school operation. This prohibition includes all school district property and all off campus school district-sponsored events.

The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

The school district will not knowingly solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture and are identified with tobacco products, devices, or electronic cigarettes. The school district will not promote or allow promotion of tobacco products or e-cigarettes on school property or at school-sponsored events.

Refer to **School Board Policy 419 *Tobacco-Free Environment*** for more information.

School Weapons Policy

The purpose of this policy is to assure a safe school environment for students, staff and the public.

No student or non-student, including adults and visitors, shall possess, use or distribute a weapon when in a school location, except as specifically authorized by school board policy or law. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

Refer to **School Board Policy 501 *School Weapons*** for more information.

Bullying Prohibition Policy Including Cyberbullying

The *Bullying Prohibition* Policy, which includes cyberbullying, is designed to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

Refer to **School Board Policy 514 *Bullying Prohibition Including Cyberbullying*** in the appendix of the Employee Handbook for more information.

Hazing Prohibition Policy

The *Hazing Prohibition* Policy is designed 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.

Refer to **School Board Policy 526 *Hazing Prohibition*** in the appendix of the Employee Handbook for more information.

Gifts to Employees

The *Gifts to Employees* Policy is designed to avoid the appearance of impropriety or the appearance of a conflict of interest with respect to gifts given to school district employees.

Refer to **School Board Policy 421 *Gifts to Employees*** for more information.

Mandated Reporting of Child Neglect, Physical or Sexual Abuse

The *Mandated Reporting of Child Neglect, Physical or Sexual Abuse* Policy is intended to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

Refer to **School Board Policy 414 *Mandated Reporting of Child Neglect, Physical or Sexual Abuse*** in the appendix of the Employee Handbook for more information.

Mandated Reporting of Maltreatment of Vulnerable Adults

The *Mandated Reporting of Maltreatment of Vulnerable Adults* Policy is intended to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

Refer to **School Board Policy 415 *Mandated Reporting of Maltreatment of Vulnerable Adults*** in the appendix of the Employee Handbook for more information.

Employee Time Records

Employees are required to submit an Employee Time Record under the following circumstances:

1. Under Minnesota Statutes, Chapter 177, Minnesota Fair Labor Standards Act (MFLSA): All FLSA non-exempt employees (those eligible for overtime pay) must complete a record of hours worked for each work day and week. Receipt of

standard bi-weekly prorated salary payments has no bearing on this requirement. A time record must still be completed. (i.e., Custodians, Food Service, Educational Assistants, Clerical and misc. other employee positions)

2. Employees who are paid strictly from timesheets. (i.e. Community Education Program Assistants, Subs)
3. Employees who are submitting requests for payment for additional work performed (FLSA Exempt Status). This does not include work designated as stipend payments in the contracts.

Employee Time Records and completion guidelines are available on www.smartben.com, www.colheights.k12.mn.us, or by contacting the Payroll Department.

Federal/State Wage and Hour Laws

Employees are either classified as exempt or non-exempt in accordance with the Fair Labor Standards Act. Non-exempt employees are eligible for overtime for all hours actually worked in excess of 40 hours per work week. This includes but is not limited to clerical employees, education assistant employees, food service employees, and custodial employees. Exempt employees are not eligible for overtime wages. Teachers are considered exempt employees.

Overtime is based on actual hours worked in a seven-day work week; Sunday through Saturday. Holiday hours, vacation time or sick leave hours are not counted in figuring overtime hours. Overtime is calculated at 1 ½ times the regular rate of pay.

Employee Benefits

The district provides an extensive benefits package. Please refer to your Employment Agreement or Collective Bargaining Agreement for benefits eligibility criteria and availability. The benefit plan year is from July 1st through June 30th of each fiscal year. The district requires participation in the Open Enrollment process regardless of whether you will elect the same benefits or waive them each year. New hire employees have 30 days to enroll in district benefits from date of hire.

Our Benefits Administrator is WageWorks. Insurance benefit questions should be directed to them at the contact information provided below.

SmartBen is our on-line enrollment tool. The site is accessible via the Internet at www.smartben.com and can be accessed 24 hours a day, seven days a week. All insurance benefit elections and changes must be made online at this website. You are required to log on to this website to accept or waive your benefits.

Insurance benefits cannot be changed after your initial enrollment deadline date or outside of the open enrollment period unless you experience a qualifying life event status change that meets IRS regulations. This includes marriage, birth/adoption, divorce, death of a dependent, spouse employment/eligibility change, etc. You will have

31 days from the date of the qualifying event to make any changes to your benefits as well as providing any required documentation to WageWorks.

An overview of benefits offered as well as plan documents are available on www.smartben.com or by contacting the Payroll Department.

Benefit Contact Information

Insurance benefit questions and providing necessary documentation:

WageWorks/Columbia Heights Administrator

10375 N. Baldev Court

Mequon, WI 53092

Fax: 262-512-2707

Phone: 800-780-4898

Email: chsdbenefits@wageworks.com

Insurance benefit enrollment and changes:

www.smartben.com

SmartBen login assistance:

Rebecca Miller, Human Resources Administrative Assistant

763-528-4421 or millerr@colheights.k12.mn.us

Medical/Dental Coverage

Refer to your Collective Bargaining Agreement or Employment Agreement for information about your medical/dental coverage benefits and costs. For more information regarding medical/dental insurance please contact WageWorks at 800-780-4898.

COBRA

COBRA provides certain former employees, retirees, spouses, former spouses, and dependent children the right to temporary continuation of health coverage at group rates. The cost is paid for by the covered person(s). This coverage, however, is only available when coverage is lost due to specific events. Group health coverage for COBRA participants is usually more expensive than health coverage for active employees. Please contact WageWorks at 800-780-4898 with any questions.

Group Life

Employees who work a minimum of .75 FTE (30 hours/week) receive group term life insurance coverage consistent with the respective Collective Bargaining Agreement or Employment Agreement. Additional coverage may be purchased for the employee, spouse, and dependents at the employee's expense. Refer to your Collective Bargaining Agreement or Employment Agreement for more information. Please contact Bill Holmgren at 763-528-4411 or WageWorks at 800-780-4898 with any questions.

Income Protection

Employees who work a minimum of .75 FTE (30 hours/week) receive long-term disability coverage. Refer to your Collective Bargaining Agreement or Employment Agreement for more information. Please contact Bill Holmgren at 763-528-4411 or WageWorks at 800-780-4898 with any questions.

Flexible Benefits Program

Employees can reduce their taxable income by designating a portion of their salary to be taken from each paycheck for expenses such as dependent care, medical costs, and dental costs. Employees can submit claims for allowable expenses and are reimbursed from their account. "Flex" amounts begin July 1 and end June 30 for the plan year. New employees may sign up for the balance of the current Flex Year at the time of their employment. Please contact Bill Holmgren at 763-528-4411 or WageWorks at 800-780-4898 with any questions.

Workers Compensation

All school district employees are automatically covered by Worker's Compensation. When an employee is injured at work no matter the severity of the injury, he/she must submit an Employee Injury Report to Human Resources and have his/her supervisor complete the Supervisor's Report of Accident. These forms can be obtained through your building secretary, supervisor, Human Resources or on the district website. Contact Elizabeth Bruchu in Human Resources at 763-528-4418 if you have any questions.

Worker's Compensation Contact Information

Rick Administrator's Services, Inc. (RAS)
PO Box 89310
Sioux Falls, SD 57109-9310

Daina Sentyrz
Claim Examiner
800-732-1486 x5001
Daina.sentyrz@rascompanies.com
www.rascompanies.com

Retirement

There are two statutory pension plans, TRA and PERA, both governed by the State of Minnesota. Both plans are Defined Benefit Plans. Questions should be directed to the appropriate organization at the contact information below:

Licensed staff

TRA – Teachers Retirement Association
60 Empire Drive, Suite 400
Saint Paul, Minnesota 55103-4000
Member Services: 651-296-2409
www.minnesotatra.org

Non-licensed staff

PERA – Public Employees Retirement Association
60 Empire Drive, Suite 200
Saint Paul, Minnesota 55103-4000
Member Services: 651-296-7460
www.mnpera.org

Tax Sheltered Annuities (403b, 403b Roth, 457)

The School District has an approved list of vendors who provide tax sheltered programs for eligible employees.

Please review your Collective Bargaining Agreement or Employment Agreement for participation and district match eligibility.

Both the approved vendor list and the Salary Reduction Agreement form are available on www.smartben.com, www.colheights.k12.mn.us, or by contacting the Payroll Department.

Employee Assistance Program

The district provides all employees with access to an Employee Assistance Program through our health insurance provider, Blue Cross Blue Shield. This is a confidential service provided at no cost to you. Professional counselors are available to you – 24 hours a day, seven days a week – to help with life’s most difficult issues.

More information is available on www.smartben.com or counselors can be reached at 800-432-5155. Contact Rebecca Miller in Human Resources at 763-528-4421 for a brochure.

Genetic Information Nondiscrimination Act (GINA)

GINA (Genetic Information Nondiscrimination Act) prohibits the unlawful use or disclosure of genetic information by employers, health insurance issuers, and group health plans. Genetic information is defined as:

- An individual’s own genetic testing;
- The genetic tests of family members;
- The manifestation of a disease or disorder in family members

Notice of Employee Right to Access to Medical or Exposure Records

Employees have the right to obtain access to any medical or exposure records that are created or stored on company premises.

Employee Right to Know – Exposure to Hazardous Substances

The district strives to provide employees a place of employment and conditions of employment free from recognized hazards that are likely to cause death or serious injury or harm. The district will provide training to employees who may be routinely exposed to a hazardous substance, harmful physical agent or infectious agent.

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 as set forth in the *Employee Right to Know – Exposure to Hazardous Substances Policy*.

All new hire employees will be required to complete the ISD #13 Health and Safety Training within the first 30 days of employment. Certain job classifications will be required to complete this training annually. Supervisors are required to make sure their employees complete this required training in a timely manner. Directions for accessing the online training are available from Human Resources.

Refer to **School Board Policy 407 *Employee Right to Know – Exposure to Hazardous Substances*** for more information.

Step Advancement

Employees must work .75 FTE or more days of the current school year to advance to the next step on the salary schedule the following school year, unless your individual contract of employment or an applicable collective bargaining agreement states different guidelines for step advancement.

Employee Leave

Employees should refer to their Collective Bargaining Agreement or Employment Agreement for sick leave/vacation/holiday/personal leave eligibility and accrual information.

- Vacation: The scheduling of vacation is at the district's discretion and vacation must be taken in quarter hour increments by non-exempt employees.
- Sick Leave: Sick leave must be taken in quarter hour increments by non-exempt employees.
- Holidays: Employees should refer to their Collective Bargaining Agreement or Employment Agreement for eligibility requirements and a list of holidays, if applicable.
- Personal Leave: Employees should refer to their Collective Bargaining Agreement or Employment Agreement for eligibility requirements.

Unpaid Leave

Any unpaid leave days must be pre-approved by the Superintendent. Requests should be made in writing to Human Resources.

Reporting Absences

Teachers and Education Assistants are to report their anticipated absence as soon as possible by contacting Kelly Services. All other employees should check with their supervisor regarding reporting absences.

- For sick leave absences, the employee must complete an Employee Leave Declaration upon return to work.

- For vacation and/or personal leaves, employees must complete the Employee Leave Declaration prior to the requested date of leave.

Forms must be submitted to your supervisor for signature. The Employee Leave Declaration form is available on www.smartben.com, www.colheights.k12.mn.us, or by contacting the Payroll Department.

Attendance and Punctuality

Columbia Heights Public Schools values the work of each staff member. Therefore, staff must be at work when scheduled and on time.

Staff must contact their supervisor and/or building principal if an absence or late arrival is necessary.

Excessive absence or tardiness will be grounds for disciplinary action up to and including termination of employment.

Bereavement Leave

Refer to your Collective Bargaining Agreement or Employment Agreement for more information.

Military Leave

Columbia Heights Public Schools is committed to providing covered service members and their immediate family members with leave, reinstatement benefits consistent with federal and state law. Contact Elizabeth Bruchu in Human Resources at 763-528-4418 for more information.

Family and Medical Leave Act (FMLA)

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for the following reasons.

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee’s child after birth, or placement for adoption or foster care;
- To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee’s job.

Employees are eligible if they have worked for the district for at least one year (does not have to be a consecutive 12 months), and for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances. For more information contact Elizabeth Bruchu in Human Resources at 763-528-4418 or refer to the FMLA Employee Rights and Responsibilities information page in the handbook appendix.

Advance Notification and Medical Certification:

- Taking leave may be denied if requirements are not met.
- Employees must provide 30 days advance notice when the leave is “foreseeable.”
- Employees must comply with an employer’s normal call-in procedures.
- Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
- Employees must also inform the district if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- Employees may be required to provide a certification and periodic recertification supporting the need for leave.
- For the birth of a child, an original doctor’s note is required stating the estimated delivery date. If the absence is due to adoption or foster care, you must provide the district with a copy of the official notification you receive stating the date the adoption or foster care is effective.

12-Month Period:

- The school district tracks FMLA leave using a rolling year. The 12-month period in which employees may take leave is measured backward from the date the employee uses any FMLA leave. The amount of time left to the employee is the same as whatever amount of the 12-weeks was not used in the past 12 month period. On each day of the year, the amount of any given employee’s FMLA leave is calculated by how much of the 12-week entitlement was consumed in the 12 months before that day.

Substituting accrued paid leave for unpaid leave to care for the employee’s child after birth:

- MN State Law provides that due to the birth of a child, up to six (6) weeks unpaid leave may be taken.
- The district requires employees to use accrued sick leave to substitute for unpaid FMLA leave for up to six weeks, if available.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee’s health coverage under any group health plan on the same terms as if the employee had continued to work.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee’s leave.

Other Information:

- If spouses both work for the district:
 - Spouses must limit their leave to 12 weeks for both, due to the birth of a child or care of a parent.
 - This limitation does not apply for the serious health condition of one spouse or the other.
 - This limitation does not apply to care for their child.
 - If both spouses use part of their 12 weeks for the birth or adoption of a child or care of a parent, each is still entitled to the rest of their 12 weeks for another purpose.

- Key Employees: A “key” employee is a salaried “eligible” employee who is among the highest paid ten percent of employees within 75 miles of the work site.
 - Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid “key” employees after using FMLA leave during which health coverage was maintained. In order to do so the employer must:
 - Notify the employee of his/her status as a “key” employee in response to the employee’s notice of intent to take FMLA leave;
 - Notify the employee as soon as the employer decides it will deny job restoration, and explain the reasons for this decision;
 - Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
 - Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration

Military Family Leave:

- Eligible employees with a spouse, son, daughter, or parent on covered active duty (or has been notified of an impending call to covered active duty) in the Armed Forces may use their 12-week leave entitlement to address certain qualifying exigencies.
- Eligible employees may take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. Covered servicemember also includes a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness if the veteran was a member of the Armed Forces at any time during the period of 5 years preceding the date on which the veteran undergoes that

medical treatment, recuperation, or therapy. For the purpose of this leave, the need to care for a servicemember includes both physical and psychological care.

Refer to **School Board Policy 410 *Family and Medical Leave Policy*** for more information.

Internet Acceptable Use and Safety Policy

The purpose of the district's policy on *Internet Acceptable Use and Safety* is to set forth policies and guidelines for access to the school district computer system and acceptable and safe use of the Internet, including electronic communications.

The use of the school district system and access to use of the Internet is a privilege, not a right. Depending on the nature and degree of the violation and the number of previous violations, unacceptable use of the school district system or the Internet may result in one or more of the following consequences: suspension or cancellation of use or access privileges; payments for damages and repairs; discipline under other appropriate school district policies, including suspension, expulsion, exclusion or termination of employment; or civil or criminal liability under other applicable laws.

In order to have access to the district's computer, Internet and electronic communications system an employee must read and sign off of on the Employee Internet Acceptable Use and Safety Policy Agreement form available from Human Resources.

Please keep the following in mind:

- Your account is to be used mainly for educational purposes but some limited personal use is permitted.
- District computer, Internet, and electronic communications system is District property.
- Downloading or using copyrighted information without permission from the copyright holder is prohibited.
- You have a limited expectation of privacy when using the District computer system as the District has the right to monitor your activity on its computer system.

Refer to **School Board Policy 524 *Internet Acceptable Use and Safety*** for more information.

Employee-Student Relationships Policy

The purpose of the district's policy on *Employee-Student Relationships* is to commit to an educational environment in which all students are treated with respect and dignity. Every school district employee is to provide students with appropriate guidance, understanding and direction, while maintaining a standard of professionalism and acting within accepted standards of conduct.

This policy applies to all school district employees at all times whether on or off duty and on or off of school district locations. Each employee is expected to exercise good judgment and professionalism in all interpersonal relationships with students.

Refer to **School Board Policy 423 *Employee-Student Relationships*** for more information.

Please be aware that staff should not drive students in their own personal vehicle or engage in text messaging with students.

Identification Badges/PROX Cards

The district requires all employees, volunteers, and specified visitors to wear an identification badge in order to promote and enhance the security of students and staff.

It is the district's policy that full and part-time employees, substitute employees, and volunteers and visitors to the district buildings and facilities will display on their person a district provided identification badge during working hours, while on duty or when visiting district buildings and facilities.

In order to receive an ID badge and PROX card, employees must read and sign the Photo ID Badge and Keyless Entry (PROX Card) Form available from Human Resources. If you lose your ID badge you should contact Rebecca Miller in Human Resources at 763-528-4421. Lost PROX cards should be reported to Bryan Hennekens, Director of Technology and Security Services at 763-528-4479 or hennekeb@colheights.k12.mn.us. It is a \$5.00 replacement fee for both the ID badge and PROX card.

Refer to **School Board Policy 426 *Identification Badges*** for more information.

Solicitation

Each year employees may participate in United Way campaign as part of an employer-sponsored solicitation program. You may contribute to the United Way by either payroll deduction or cash donation.

All other solicitations of any kind by employees are prohibited during the working time of any employee, including, but not limited to, solicitations made for raffles, fundraising, product sales, memberships, contests, subscriptions, surveys, causes, ideological beliefs, organizations or other outside interests.

Likewise, employees may not distribute or circulate materials, whether by oral, electronic, in-person or by other means, while on working time or in working areas. Working time does not include break periods, meal periods or other specified non-work periods during which employees are not expected to perform their assigned duties.

Non-employees may not solicit, distribute literature or other items or use sound devices on district property at any time, except as authorized by school board policy.

Voting

Consistent with Minn. Stat. §204C.04, every employee who is eligible to vote in an election has the right to be absent from work for the time necessary to appear at the employee's polling place, cast a ballot, and return to work on the day of that election, without penalty or deduction from salary or wages because of the absence.

Employee Publications, Instructional Materials, Inventions and Creations

The Employee Publications, Instructional Materials, Inventions and Creations Policy is designed to identify and reserve the proprietary rights of the school district to certain publications, instructional materials, inventions, and creations which employees may develop or create, or assist in developing or creating, while employed by the school district.

Refer to **School Board Policy 409 *Employee Publications, Instructional Materials, Inventions, and Creations*** for more information.

Discipline, Suspension, and Dismissal of School District Employees

The Discipline, Suspension, and Dismissal of School District Employee Policy is designed to utilize progressive steps, where appropriate, to produce positive corrective action. While the school district intends that in most cases progressive discipline will be administered, the specific form of discipline chosen in a particular case and/or the decision to impose discipline in a different manner, is solely within the discretion of the school district.

The school district retains the right to immediately discipline or terminate an employee as appropriate, subject to relevant governing law and collective bargaining agreement where applicable.

Refer to **School Board Policy 403 *Discipline, Suspension and Dismissal of School District Employees*** for more information.

Termination/Resignation

Non-licensed employees are encouraged to give at least a two week notice of their intent to resign from Columbia Heights Public Schools. Licensed staff is released from their contract once a suitable replacement is found.

Vacation Payout:

Employees who resign or terminate employment with Columbia Heights Public Schools prior to completion of the fiscal year are eligible to receive a pro-rated payout of their accrued unused vacation days, in accordance with their Collective Bargaining Agreement or Employment Agreement.

Return of Property:

School property should be returned to your supervisor at the time of your resignation or termination. This includes but is not limited to laptops, ID badges, Prox cards, etc.

Criminal Background Checks

All employees of Columbia Heights Public Schools will have both the McDowell Agency, Inc. and the Minnesota Bureau of Criminal Apprehension background checks conducted. Employees are required to pay \$15.00 for their background check at the time they complete the new hire paperwork. The District reserves the right to withdraw the conditional job offer of employment based upon the results of the background check. The district retains the right to conduct additional criminal background checks on employees during the course of their employment.

Employees who have not received a paycheck from the district in over a year will have to complete the background checks again.

A criminal background check by the Minnesota Bureau of Criminal Apprehension is also required for all volunteers in the district. Columbia Heights Public Schools will pay for volunteer background checks.

The district may also apply these procedures to independent contractors, student employees and student teachers. The cost of the background check is the responsibility of the individual.

Please contact Rebecca Miller in Human Resources at 763-528-4421 with any questions or to have the background check forms sent to you.

Refer to **School Board Policy 404 *Employment Background Checks*** for more information.

I-9 Compliance

All employees, citizens and noncitizens, hired after November 6, 1986 and working in the United States must complete a Form I-9. Employees must complete section one of this form at the time of hire. The District must examine evidence of identity and employment authorization within three (3) business days of the date employment begins. This form is typically filled out at the time new hire paperwork is completed.

Pay Schedule

Employees are paid on a bi-weekly schedule (26 pay periods) of alternating Wednesdays. Please see the Payroll Calendar for specific pay dates, pay period start/end dates and timesheet due dates. Voluntary deductions are taken from 24 of the 26 paychecks.

The Payroll Calendar is available on www.smartben.com, www.colheights.k12.mn.us, or by contacting the Payroll Department.

Direct Deposit

District policy requires the use of direct deposit for all employees as permitted by Minnesota Statute 471.426. Completion of the Direct Deposit Authorization form is required for all new accounts and changes. You may designate up to five accounts with

various institutions for deposit. Your funds are deposited automatically on each payday to your designated account(s).

The district does not print direct deposit statements. Paper copies can be obtained from myView. School year staff may only be able to change direct deposit information between September and May.

The Direct Deposit Authorization form is available on www.smartben.com, www.colheights.k12.mn.us, or by contacting the Payroll Department.

TIES myView

TIES myView is a secure online system that gives you access to your current and past payroll payments, leave balance and details, benefits, licensures, personal information, expense reimbursements and informational copies of W-2's.

To register you must obtain a registration key from the Payroll Department. A link to myView is accessible on the TIES web menu at: <https://www.tiescloud.net/>.

Jury Duty

If an employee is called for Jury Duty you must notify your supervisor immediately and make arrangements for a substitute, if necessary.

Once your service is fulfilled, complete an Employee Leave Declaration Form noting the time as Jury Duty. Your leave history will be updated and reflect the time as "Civic Function," however, no leave time is taken from your balance.

Once you receive payment from the court for your time, mileage, etc. you must sign the check(s) over to ISD #13 and submit with any records you kept or received from the court to the Business Office. In turn, a check will be cut from Accounts Payable for any expense reimbursement funds and sent to you. The amount paid by the court for your per diem, or daily rate, is retained by the district in exchange for your regular wages paid to avoid a double wage payment.

No adjustments to payroll occur for this type of payment.

Demographic Changes

Name, address and phone number changes should be reported as soon as possible in the manner below:

- Staff with SmartBen access (benefits) – information must be updated at www.smartben.com in order to be updated with the district and benefit carriers.
- Staff without SmartBen access (no benefits) – information must be updated by contacting Human Resources.

If an employee has a name change, you must also then provide legal documentation to Human Resources in order for your name to be changed on district, tax and benefit records. A copy of a social security card reflecting your new last name, divorce decree or a marriage certificate will be accepted.

Parking

Parking permits are required at some of the district locations. Employees working at the Family Center, District Center, and Columbia Heights High School will need permits in order to park in the designated parking lots. Please contact Rebecca Miller in Human Resources at 763-528-4421 for a parking permit form.

Emergency School Closings

The Superintendent is responsible for the closing of schools. In the event that schools must be delayed or closed due to inclement weather or other emergency, an announcement will be announced on: KARE-11 TV (Channel 11), WCCO-TV (Channel 4), KSTP-TV (Channel 5), WCCO-AM radio and K102 radio.

The Columbia Heights School District stands alone and is not a part of any other school district. When listening to school closings, specifically listen for mention of the "Columbia Heights School District."

Personnel and Employee Files

The district maintains a personnel file for each employee. The district personnel files are located in the Human Resources Department, although the employee's immediate supervisor may also keep records pertaining to the employee. An employee's personnel file may include application materials, academic records, credentials, pre-employment references, current copy of licensure, performance evaluations, letters or other documentation pertaining to employment.

The employee may offer a denial, explanation or addendum to any documentation placed in the personnel file.

Employees who wish to view their personnel file must call Elizabeth Bruchu at 763-528-4418 in Human Resources or Erin Shroyer at 763-528-4417 in Human Resources to schedule a mutually convenient time. Contact the Business Office at 763-528-4532 with any questions regarding payroll, benefit or leave files.

Upon written request by an employee, the employer shall provide the employee with an opportunity to review the employee's personnel record. An employer is not required to provide an employee with an opportunity to review the employee's personnel record if the employee has reviewed the personnel record during the previous six months; except that, upon separation from employment, an employee may review the employee's personnel record once each year after separation for as long as the personnel record is maintained. Columbia Heights Public Schools may not charge a fee for a copy of the personnel record.

Please refer to the appendix of this Handbook regarding “Notice to New Hires of Right to Review Personnel Record Under Minnesota Law” and Minnesota Statute § 181.960 – 181.965.

Job Postings

Position vacancies are posted on the district’s website for both internal and external postings in accordance with collective bargaining agreements (if applicable). Employees should apply online for all vacancies. Please contact Rebecca Miller in Human Resources at 763-528-4421 with any questions.

Nepotism

No individual employee may be assigned, reassigned, permanently or temporarily employed or issued an independent contract in a department, special program, location or school where one member of a family has direct administrative or supervisor responsibility over that individual.

Appearance/Grooming

Employees are expected to be neat, clean, and to wear appropriate clothing for work that is in good taste and suitable for the job at hand.

Travel/Business Expense Reimbursement

All school district business expenses to be reimbursed must be approved by the supervising administrator. Such expenses to be reimbursed may include transportation, meals, lodging, registration fees, required materials, parking fees and other reasonable and necessary school district business-related expenses.

Requests for reimbursement must be itemized on the official school district form and are to be submitted to the designated administrator. **Original** itemized receipts for lodging, commercial transportation, registration and other reasonable and necessary expenses must be attached to the reimbursement form.

Employees shall be reimbursed for mileage at the rate of the established IRS rate per mile for the use of his/her private vehicle for travel for authorized school district business, unless the employee is paid a travel allowance.

Refer to **School Board Policy 412 Expense Reimbursement** for more information or you may contact Gary Hauan, Manager of Accounting Services at 763-528-4412 or Bill Holmgren, Director of Finance and Operations at 763-528-4411.

Employee Evaluations

Employees’ work is continually being reviewed and the formal evaluation process is only one aspect of the district’s performance management process. Having an employee performance evaluation does not necessarily mean that an employee will receive an increase in pay.

Non-Tenured Teaching Staff:

In accordance with Minnesota Statute 122A.40, the first three consecutive years of a teacher's first teaching experience in Minnesota in a single district are deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period. Evaluation must occur at least three times each year for a teacher performing services that year; the first evaluation must occur within the first 90 days of teaching service. A teacher must actually teach at least 120 days in a school year for that year to count towards continuing contract status. Charter school work experience does not count towards continuing contract status.

Tenured Teaching Staff:

It is district policy for tenured teaching staff to be evaluated once every three years after obtaining tenure status with the district.

References

All inquiries regarding verification of employment should be directed to the Human Resources Department.

APPENDIX

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth;
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 · Revised February 2013

Adopted: January 26, 1999
Revised: December 7, 2004
Revised: May 22, 2006
Revised: October 27, 2009
Revised: December 14, 2010
Revised: December 13, 2011
Revised: November 13, 2012

413 HARASSMENT AND VIOLENCE

[Note: State law requires that school districts adopt a sexual, religious, and racial harassment and violence policy that conforms with the Minnesota Human Rights Act, Minn. Stat. Ch. 363A. Each school board must submit a copy of the policy the board has adopted to the Commissioner of MDE.]

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to maintain a learning and working environment that is free of harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
- B. A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of the school district harasses a pupil, teacher, administrator or other school personnel or group of pupils, teachers, administrators, or other school personnel through conduct or communication based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, as defined by this policy. (For purposes of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of the district.)
- C. A violation of this policy occurs when any pupil, teacher, administrator or other school personnel of the school district inflicts, threatens to inflict, or attempts to inflict violence upon any pupil, teacher, administrator or other school personnel or group of pupils, teachers, administrators, or other school personnel based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

- D. The school district will act to investigate all complaints, either formal or informal, verbal or written, of harassment or violence, based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

III. DEFINITIONS

- A. "Assault" is:
1. an act done with intent to cause fear in another of immediate bodily harm or death;
 2. the intentional infliction of or attempt to inflict bodily harm upon another; or
 3. the threat to do bodily harm to another with present ability to carry out the threat.
- B. "Harassment" prohibited by this policy consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
 3. otherwise adversely affects an individual's employment or academic opportunities.
- C. "Immediately" means as soon as possible but in no event longer than 24 hours.
- D. Protected Classifications; Definitions
1. "Age" means the person is over the age of 25 years.
 2. "Disability" means any condition or characteristic that renders a person a disabled person. A disabled person is any person who:
 - a. has a physical, sensory, or mental impairment which materially limits one or more major life activities;
 - b. has a record of such an impairment; or
 - c. is regarded as having such an impairment.

3. “Familial status” means the condition of one or more minors being domiciled with:
 - a. their parent or parents or the minor’s legal guardian; or
 - b. the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against harassment on the basis of family status apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of majority.
4. “Marital status” means whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, in employment cases, includes protection against harassment on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
5. “National origin” means the place of birth of an individual or of any of the individual’s lineal ancestors.
6. “Sex” includes, but is not limited to, pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
7. “Sexual orientation” means having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such attachment, or having or being perceived as having a self-image or identity not traditionally associated with one’s biological maleness or femaleness. “Sexual orientation” does not include a physical or sexual attachment to children by an adult.
8. “Status with regard to public assistance” means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

E. 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 pupil(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
- d. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- e. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
- f. unwelcome behavior or words directed at an individual because of gender.

F. Sexual Violence; 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.

G. Violence; Definition.

Violence prohibited by this policy is a physical act of aggression or assault upon another or group of individuals because of, or in a manner reasonably related to, race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.

IV. REPORTING PROCEDURES

- A. Any person who believes he or she has been the victim of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by a pupil, teacher, administrator or other school personnel of the school district, or any person with knowledge or belief of conduct which may constitute harassment or violence prohibited by this policy toward a pupil, teacher, administrator or other school personnel or group of pupils, teachers, administrators, or other school personnel should report the alleged acts immediately to an appropriate school district official designated by this policy. 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. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a school district human rights officer or to the superintendent.
- B. In Each School Building. The building principal is the person responsible for receiving oral or written reports by students of harassment or violence prohibited by this policy at the building level. In the absent of 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. Any adult school district personnel who receives a report of harassment or violence prohibited by this policy shall inform the building principal immediately. If the complaint involves the principal, the complaint shall be made or filed with the school district human rights officer or the superintendent by the reporting party or complaint. School district personnel who fail to inform the building principal of a report of harassment or violence in a timely manner may be subject to disciplinary action.
- C. Upon receipt of a report, the principal must notify the school district human rights officer immediately, without screening or investigating the report. 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 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 officer. Failure to forward any harassment or violence report or complaint as provided herein may result in disciplinary action against the principal.
- D. In the District. The school board hereby designates the school district human rights officer(s) to receive all other reports or complaints of harassment or violence

prohibited by this policy. If the complaint involves a human rights officer, the complaint shall be filed directly with the superintendent.

- E. The school district shall conspicuously post the name of the human rights officer(s), including mailing addresses and telephone numbers.
- F. Submission of a good faith complaint or report of harassment or violence prohibited by this policy will not affect the complainant or reporter's future employment, grades or work assignments.
- G. Use of formal reporting forms is not mandatory.
- H. Reports of harassment or violence prohibited by this policy are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. 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 legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

V. INVESTIGATION

- A. By authority of the school district, the human rights officer, upon receipt of a report or complaint alleging harassment or violence prohibited by this policy, 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.
- B. The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.
- C. In determining whether alleged conduct constitutes a violation of this policy, the school 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. 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 school district may take immediate steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation of alleged harassment or violence prohibited by this policy.
- E. The investigation will be completed as soon as practicable. The school district human rights officer shall make a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, the report may be filed directly with the school board. 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. SCHOOL DISTRICT ACTION

- A. 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. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota and federal law and school district policies.
- B. The result of the school district's investigation of each complaint filed under these procedures will be reported in writing to the complainant or parent(s)/guardian(s) by the school district in accordance with state and federal law regarding data or records privacy.
- C. Appropriate administrative and staff follow-up will be provided for victims of bullying or harassment.

VII. REPRISAL

The school district will discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who makes a good faith report of alleged or violence prohibited by this policy 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, harassment, or intentional disparate treatment.

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 school district from taking immediate action to protect victims of alleged harassment, violence or abuse.

X. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to pupils and staff members.

- B. This policy shall be given to each school district employee and independent contractor at the time of entering into the person's employment contract.
- C. This policy shall appear in the student and employee handbooks.
- D. The school district 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 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.
- F. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal References: MINN. STAT. § 120B.232 (Character Development Education)
 MINN. STAT. § 121A.03, Subd. 2 (Sexual, Religious and Racial Harassment and Violence Policy)
 MINN. STAT Ch. 363A (Minnesota Human Rights Act)
 Minn. Stat. § 609.341 (Definitions)
 MINN. STAT § 626.556 et seq. (Reporting of Maltreatment of Minors)
 20 U.S.C. §§ 1681-1688 (Title IX of the Education Amendments of 1972)
 29 U.S.C. § 621 et seq. (Age Discrimination in Employment Act)
 29 U.S.C. § 794 (Rehabilitation Act of 1973, § 504)
 42 U.S.C. § 1983 (Civil Action for Deprivation of Rights)
 42 U.S.C. § 2000d et seq. (Title VI of the Civil Rights Act of 1964)
 42 U.S.C. § 2000e et seq. (Title VII of the Civil Rights Act)
 42 U.S.C. § 12101 et seq. (Americans with Disabilities Act)
Puller v. Indep. Sch. Dist. No. 701, 528 N.W.2d 273 (Minn. Ct. App. 1998)

Cross References: CHSD Policy 102 (Equal Educational Opportunity)
 CHSD Policy 401 (Equal Employment Opportunity)
 CHSD Policy 402 (Disability Nondiscrimination Policy)
 CHSD Policy 403 (Discipline, Suspension and Dismissal of School District Employees)
 CHSD Policy 406 (Public and Private Personnel Data)
 CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 CHSD Policy 506 (Student Discipline)
 CHSD Policy 515 (Protection and Privacy of Pupil Records)
 CHSD Policy 521 (Student Disability Nondiscrimination)
 CHSD Policy 522 (Student Sex Nondiscrimination)
 CHSD Policy 524 (Internet Acceptable Use and Safety Policy)

CHSD Policy 525 (Violence Prevention)
CHSD Policy 528 (Student Parental, Family, and Marital Status
Nondiscrimination)



INCIDENT REPORT FORM

- Student referral
- Staff referral
- Parent referral

Nature of Complaint: _____ Bullying _____ Harassment or Violence _____ Hazing

If applicable, circle basis of alleged harassment or violence:

race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability

Complainant: _____

Home address: _____

Home phone: _____ Work phone: _____

Date of alleged incident(s): _____

Name of person you believe harassed, was violent toward, bullied or hazed you or another person or group of persons:

If the alleged harassment, violence, bullying or hazing was toward another person or group of persons, identify that person or the individuals in that group _____

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, etc. (*Attach additional pages if necessary*): _____

Where and when did the incident(s) occur? _____

List any witnesses to the incident(s): _____

This complaint is filed based on my honest belief that _____ has occurred toward me or to another person or group of persons. 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

General statement of policy prohibiting religious, racial or sexual harassment:

Columbia Heights Public School District maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any pupil, teacher, administrator or other school personnel, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

General statement of policy prohibiting bullying:

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment.

An 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 or in electronic form otherwise known as cyber-bullying. 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.

"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 a student or group of 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 or group of students that a reasonable person under the circumstances knows or should know has the effect of:

1. harming a student or a group of students;
2. damaging a student's or a group of students' property;
3. placing a student or a group of students in reasonable fear of harm to person or property;
4. creating a hostile educational environment for a student. or a group of students;
5. intimidating a student or a group of students; or
6. subjecting a student to ridicule, embarrassment or social isolation.

General statement of policy prohibiting hazing:

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.

"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 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, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

COLUMBIA HEIGHTS PUBLIC SCHOOLS

POLICY AGAINST HARASSMENT AND VIOLENCE

Everyone at Columbia Heights Public Schools has a right to feel respected and safe. The district wants you to know about School Board Policy 413 on the prevention of harassment and violence. The following is a summary of the policy:

1. It is the policy of the school district to maintain a learning and working environment that is free from harassment and violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation or disability. The school district prohibits any form of harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation or disability.
2. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other unlawful verbal or physical conduct or communication of a sexual nature.
3. Harassment consists of physical or verbal conduct, including, but not limited to, electronic communications, relating to an individual's or group of individuals' race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
4. Violence consists of a physical act of aggression or assault upon another or group of individuals because of or in a manner reasonably related to race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
5. It shall be a violation of this policy for any pupil, teacher, administrator or other school personnel of the school district to harass a pupil, teacher, administrator or other school personnel through conduct or based on a person's race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability.
6. School district personnel who fail to inform the building principal, the Human Rights Officer or the Director of Student Services per the reporting procedures in the Harassment and Violence Policy 413 of a report or harassment or violence in a timely manner may be subject to disciplinary action.
7. All complaints, whether verbal or written, will be investigated and any appropriate disciplinary action will be taken.
8. All verbal or written complaints should be reported to your principal, the Human Rights Officer or the Director of Student Services per the reporting procedures in the Harassment and Violence Policy 413.
9. Retaliation is prohibited against any individual who reports harassment or violence or participates in an investigation.
10. Confidentiality of all persons involved will be respected to the fullest extent possible.

This is a summary of Columbia Heights Public Schools policy against harassment and violence. A complete copy of the policy is available on the district website and/or from the Building Administrators.

CONTACT:

Lindsey Bennett, Human Resources Director and Human Rights Officer at 1440 49th Ave NE, Columbia Heights, MN 55421; 763-528-4516 for complaints involving staff

Nicole Halabi, Director of Student Services at 1440 49th Ave NE, Columbia Heights, MN 55421; 763-528-4429 for complaints involving students

Adopted: November 24, 1998
Revised: January 26, 1999
Revised: June 8, 2004
Revised: May 22, 2006
Revised: May 29, 2007
Revised: May 12, 2009
Revised: June 14, 2011
Revised: December 13, 2011
Reviewed: October 9, 2012

414 MANDATED REPORTING OF CHILD NEGLECT, PHYSICAL OR SEXUAL ABUSE

[Note: This policy reflects the mandatory law regarding reporting of maltreatment of minors and is not discretionary in nature.]

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected child neglect or physical or sexual abuse.

II. GENERAL STATEMENT OF POLICY

- A. It is the policy of the school district to fully comply with Minn. Stat. § 626.556 requiring school personnel to report suspected child neglect or physical or sexual abuse.
- B. It shall be a violation of this policy for any school personnel to fail to immediately report instances of child neglect, or physical or sexual abuse when the school personnel knows or has reason to believe a child is being neglected or physically or sexually abused or has been neglected or physically or sexually abused within the preceding three years.

III. DEFINITIONS

- A. “Accidental” means a sudden, not reasonably foreseeable, and unexpected occurrence or event which:
 - 1. is not likely to occur and could not have been prevented by exercise of due care; and
 - 2. if occurring while a child is receiving services from a facility, happens when the facility and the employee or person providing services in the facility are in compliance with the laws and rules relevant to the occurrence of event.
- B. “Child” means one under age 18 and, for purposes of Minn. Stat. Ch. 260C [Child Protection], includes an individual under age 21 who is in foster care.

- C. “Immediately” means as soon as possible but in no event longer than 24 hours.
- D. “Mandated reporter” means any school personnel who knows or has reason to believe a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years.
- E. “Neglect” means:
1. failure by a person responsible for a child’s care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child’s physical or mental health when reasonably able to do so, including a growth delay, which may be referred to as a failure to thrive, that has been diagnosed by a physician and is due to parental neglect;
 2. failure to protect a child from conditions or actions that seriously endanger the child’s physical or mental health when reasonably able to do so;
 3. failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors such as the child’s age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for his or her own basic needs or safety or the basic needs or safety of another child in his or her care;
 4. failure to ensure that a child is educated in accordance with state law, which does not include a parent’s refusal to provide his or her child with sympathomimetic medications;
 5. prenatal exposure to a controlled substance used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child’s birth, or medical effects or developmental delays during the child’s first year of life that medically indicate prenatal exposure to a controlled substance;
 6. medical neglect as defined by Minn. Stat. § 260C.007, Subd. 4, Clause (5);
 7. chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child’s basic needs and safety; or
 8. emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child’s behavior, emotional response, or cognition that is not within the normal range for the child’s age and stage of development, with due regard to the child’s culture.

Neglect does not include spiritual means or prayer for treatment or care of disease where the person responsible for the child’s care in good faith has selected and depended on

those means for treatment or care of disease, except where the lack of medical care may cause serious danger to the child's health.

- F. "Nonmaltreatment mistake" means: (1) at the time of the incident, the individual was performing duties identified in the center's child care program plan required under Minn. Rules Part 9503.0045; (2) the individual has not been determined responsible for a similar incident that resulted in a finding of maltreatment for at least seven years; (3) the individual has not been determined to have committed a similar nonmaltreatment mistake under this paragraph for at least four years; (4) any injury to a child resulting from the incident, if treated, is treated only with remedies that are available over the counter, whether ordered by a medical professional or not; and (5) except for the period when the incident occurred, the facility and the individual providing services were both in compliance with all licensing requirements relevant to the incident. This definition only applies to child care centers licensed under Minn. Rules Ch. 9503.
- G. "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care other than by accidental means; or any physical or mental injury that cannot reasonably be explained by the child's history of injuries or any aversive or deprivation procedures, or regulated interventions, that have not been authorized by Minn. Stat. § 121A.67 or § 245.825.

Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Abuse does not include the use of reasonable force by a teacher, principal, or school employee as allowed by Minn. Stat. § 121A.582.

Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child: (1) throwing, kicking, burning, biting, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age; (5) unreasonable interference with a child's breathing; (6) threatening a child with a weapon, as defined in Minn. Stat. § 609.02, Subd. 6; (7) striking a child under age one on the face or head; (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child, or giving the child other substances that substantially affect the child's behavior, motor coordination, or judgment or that result in sickness or internal injury, or subject the child to medical procedures that would be unnecessary if the child were not exposed to the substances; (9) unreasonable physical confinement or restraint not permitted under Minn. Stat. § 609.379 including, but not limited to, tying, caging, or chaining; or (10) in a school facility or school zone, an act by a person responsible for the child's care that is a violation under Minn. Stat. § 121A.58.

- H. "School personnel" means professional employee or professional's delegate of the school district who provides health, educational, social, psychological, law enforcement or child care services.

- I. “Sexual abuse” means the subjection of a child by a person responsible for the child’s care, by a person who has a significant relationship to the child (as defined in Minn. Stat. § 609.341, Subd. 15), or by a person in a position of authority (as defined in Minn. Stat. § 609.341, Subd. 10) to any act which constitutes a violation of Minnesota statutes prohibiting criminal sexual conduct. Such acts include sexual penetration as well as sexual contact. Sexual abuse also includes any act involving a minor which constitutes a violation of Minnesota statutes prohibiting prostitution, or use of a minor in a sexual performance. Sexual abuse includes threatened sexual abuse.
- J. “Mental injury” means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child’s ability to function within a normal range of performance and behavior with due regard to the child’s culture.
- K. “Person responsible for the child’s care” means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, other school employees or agents, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.
- L. “Threatened injury” means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes, but is not limited to, exposing a child to a person responsible for the child’s care who has subjected the child to, or failed to protect a child from, egregious harm, or a person whose parental rights were involuntarily terminated, been found palpably unfit, or one from whom legal and physical custody of a child has been involuntarily transferred to another.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the neglect or physical or sexual abuse, which he or she knows or has reason to believe is happening or has happened within the preceding three years to the local welfare agency, police department, county sheriff, or agency responsible for assisting or investigating maltreatment.
- B. If the immediate report has been made orally, by telephone or otherwise, the oral report shall be followed by a written report within 72 hours (exclusive of weekends and holidays) to the appropriate police department, the county sheriff, local welfare agency, or agency responsible for assisting or investigating maltreatment. The written report shall identify the child, any person believed to be responsible for the abuse or neglect of the child if the person is known, the nature and extent of the abuse or neglect and the name and address of the reporter.

- C. A mandated reporter who knows or has reason to know of the deprivation of parental rights or the kidnapping of a child shall report the information to the local police department or the county sheriff.
- D. With the exception of a health care professional or a social service professional who is providing the woman with prenatal care or other health care services, a mandated reporter shall immediately report to the local welfare agency if the person knows or has reason to believe that a woman is pregnant and has used a controlled substance for a nonmedical purpose during the pregnancy, including, but not limited to, tetrahydrocannabinol, or has consumed alcoholic beverages during the pregnancy in any way that is habitual or excessive.
- E. A person mandated by Minnesota law and this policy to report who fails to report may be subject to criminal penalties and/or discipline, up to and including termination of employment.
- F. Submission of a good faith report under Minnesota law and this policy will not adversely affect the reporter's employment, or the child's access to school.
- G. Any person who knowingly or recklessly makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual damages suffered by the person or persons so reported and for any punitive damages set by the court or jury, and the reckless making of a false report may result in discipline. The court may also award attorney's fees.

[Note: The Minnesota Department of Education (MDE) is responsible for assessing or investigating allegations of child maltreatment in schools. Although a report may be made to any of the agencies listed in Section IV. A., above, and there is no requirement to file more than one report, if the initial report is not made to MDE, it would be helpful to MDE if schools also report to MDE.]

V. INVESTIGATION

- A. The responsibility for investigating reports of suspected neglect or physical or sexual abuse rests with the appropriate county, state, or local agency or agencies. The agency responsible for assessing or investigating reports of child maltreatment has the authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing safety and risk to the child, and formulating a plan. The investigating agency may interview the child at school. The interview may take place outside the presence of a school official. The investigating agency, not the school, is responsible for either notifying or withholding notification of the interview to the parent, guardian or person responsible for the child's care. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded.

- B. When the investigating agency determines that an interview should take place on school property, written notification of intent to interview the child on school property will be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property.
- C. Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school employees when an interview is conducted on school premises.
- D. Where the alleged perpetrator is believed to be a school official or employee, the school district shall conduct its own investigation independent of MDE and, if involved, the local welfare or law enforcement agency.
- E. Upon request by MDE, the school district shall provide all requested data that are relevant to a report of maltreatment and are in the possession of a school facility, pursuant to an assessment or investigation of a maltreatment report of a student in school. The school district shall provide the requested data in accordance with the requirements of the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

VI. MAINTENANCE OF SCHOOL RECORDS CONCERNING ABUSE OR POTENTIAL ABUSE

- A. When a local welfare or local law enforcement agency determines that a potentially abused or abused child should be interviewed on school property, written notification of the agency's intent to interview on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct the interview. The notification shall be private data. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notice or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation has been concluded.
- B. All records regarding a report of maltreatment, including any notification of intent to interview which was received by the school as described above in Paragraph A., shall be destroyed by the school only when ordered by the agency conducting the investigation or by a court of competent jurisdiction.

VII. PHYSICAL OR SEXUAL ABUSE AS SEXUAL HARASSMENT OR VIOLENCE

Under certain circumstances, alleged physical or sexual abuse may also be sexual harassment or violence under Minnesota law. If so, the duties relating to the reporting and investigation of such harassment or violence may be applicable.

VIII. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks.
- B. The school district will develop a method of discussing this policy with school personnel.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References: MINN. Stat. Ch. 13 (Minnesota Government Data Practices Act)
MINN. Stat. § 121A.58 (Corporal Punishment)
MINN. Stat. § 121A.582 (Student Discipline; Reasonable Force)
MINN. Stat. § 121A.67 (Aversive and Deprivation Procedures)
MINN. Stat. § 245.825 (Use of Aversive or Deprivation Procedures)
MINN. Stat. § 260C.007, Subd. 4, Clause (5) (child in Need of Protection)
MINN. Stat. § 609.02, Subd. 6 (Definitions—Dangerous Weapon)
MINN. Stat. § 609.341, Subd. 10 (Definitions—Position of Authority)
MINN. Stat. § 609.341, Subd. 15 (Definitions—Significant Relationship)
MINN. Stat. § 609.379 (Reasonable Force)
MINN. Stat. § 626.556 *et seq.* (Reporting of Maltreatment of Minors)
Minn. Stat. § 626.5561 (Reporting of Prenatal Exposure to Controlled Substances)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)

Cross References: CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)



Confidential
Student Maltreatment Reporting Form
Division of Compliance and Assistance
 1500 Highway 36 West
 Roseville, Minnesota 55113-4266
 Phone: (651) 582-8546 FAX: (651) 634-2277

Minnesota Department of Education staff use only			
Intake Person	MDE File #	Investigator	Date Assigned
	<input type="checkbox"/> No Maltreatment <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> I & R <input type="checkbox"/> Other (Please explain)		Date Reporter Notified: _____
	PSN Date: _____ <input type="checkbox"/> Verbal <input type="checkbox"/> Written		_____ Verbal _____ Written (Attach written correspondence)

Via:	Date Submitted _____	School District Name _____	School District Number _____
Fax <input type="checkbox"/>	School Name _____ Address _____		
Phone <input type="checkbox"/>	City _____ Zip _____ Phone Number _____		
U.S. Mail <input type="checkbox"/>	Principal _____ Phone Number _____		
Email: <input type="checkbox"/>			

REPORTER (name of person completing form) **Reporter is confidential under Minnesota Statute § 626.556**

Name _____ Title _____ Phone _____ Mandated Reporter: Yes No
 Address _____ City _____ State _____ Zip _____

ALLEGED VICTIM

Name _____ DOB _____ Grade _____ Gender: Male Female
 Special Education: Yes No Disability Description _____ Race _____
 Address _____ City _____ State _____ Zip _____
 Parent/Guardian _____ Home Phone _____ Other Phone _____

ALLEGED OFFENDER

Name _____ Position _____ DOB _____ Gender: Male Female
 Address _____ City _____ State _____ Zip _____ Race _____
 Home Phone _____ Other Phone _____

INCIDENT

Date _____	Time _____	Location/Address (if different than school) _____
Type of Alleged Maltreatment: <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Sexual Abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Unknown		Injury: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Witness Information _____		
Description of Incident and Injury: (please attach additional page if needed)		
Police Notified: <input type="checkbox"/> Yes <input type="checkbox"/> No Police Department _____ Contact _____ Phone _____		

Adopted March 9, 1999
Revised: June 27, 2005
Revised: May 11, 2010
Revised: June 14, 2011
Reviewed: November 8, 2011
Reviewed: October 9, 2012

Columbia Heights School Board Policy 415

415 MANDATED REPORTING OF MALTREATMENT OF VULNERABLE ADULTS

[Note: This policy reflects the mandatory law regarding reporting maltreatment of vulnerable adults and is not discretionary in nature.]

I. PURPOSE

The purpose of this policy is to make clear the statutory requirements of school personnel to report suspected maltreatment of vulnerable adults.

II. GENERAL STATEMENT OF POLICY

- A. The policy of the school district is to fully comply with Minn. Stat. 626.557 requiring school personnel to report suspected maltreatment of vulnerable adults.
- B. It shall be a violation of this policy for any school personnel to fail to report suspected maltreatment of vulnerable adults when the school personnel has reason to believe that a vulnerable adult is being or has been maltreated, or has knowledge that a vulnerable adult has sustained a physical injury which is not reasonably explained.

III. DEFINITIONS

- A. "Mandated Reporters" means any school personnel who has reason to believe that a vulnerable adult is being or has been maltreated.
- B. "Maltreatment" means the neglect, abuse, or financial exploitation of a vulnerable adult.
- C. "Neglect" means failure or omission by a caregiver to supply a vulnerable adult with care or services, including but not limited to, food, clothing, shelter, health care or supervision which is: (1) reasonable and necessary to obtain or maintain the vulnerable adult's physical or mental health or safety, considering the physical and mental capacity or dysfunction of the vulnerable adult; and (2) which is not the result of an accident or therapeutic conduct. Neglect also includes the absence or likelihood of absence of care or services, including but not limited to, food, clothing, shelter, health care, or supervision necessary to maintain the physical and mental health of the vulnerable adult which a reasonable person would deem essential to obtain or maintain the vulnerable adult's health, safety, or comfort considering the physical or mental capacity or dysfunction of the vulnerable adult. Neglect does not include actions specifically excluded by Minn. Stat. § 626.5572,

Subd. 17.

- D. "Abuse" means: (a) An act against a vulnerable adult that constitutes a violation of, an attempt to violate, or aiding and abetting a violation of: (1) assault in the first through fifth degrees as defined in sections 609.221 to 609.224; (2) the use of drugs to injure or facilitate crime as defined in section 609.235; (3) the solicitation, inducement, and promotion of prostitution as defined in section 609.322; and (4) criminal sexual conduct in the first through fifth degrees as defined in sections 609.342 to 609.345. A violation includes any action that meets the elements of the crime, regardless of whether there is a criminal proceeding or conviction. (b) Conduct which is not an accident or therapeutic conduct as defined in this section, which produces or could reasonably be expected to produce physical pain or injury or emotional distress including, but not limited to, the following: (1) hitting, slapping, kicking, pinching, biting, or corporal punishment of a vulnerable adult; (2) use of repeated or malicious oral, written, or gestured language toward a vulnerable adult or the treatment of a vulnerable adult which would be considered by a reasonable person to be disparaging, derogatory, humiliating, harassing, or threatening; (3) use of any aversive or deprivation procedure, unreasonable confinement, or involuntary seclusion, including the forced separation of the vulnerable adult from other persons against the will of the vulnerable adult or the legal representative of the vulnerable adult; and (4) use of any aversive or deprivation procedures for persons with developmental disabilities or related conditions not authorized under section 245.825. (c) Any sexual contact or penetration as defined in section 609.341, between a facility staff person or a person providing services in the facility and a resident, patient, or client of that facility. (d) The act of forcing, compelling, coercing, or enticing a vulnerable adult against the vulnerable adult's will to perform services for the advantage of another. Abuse does not include actions specifically excluded by Minn. Stat. § 626.5572, Subd. 2.
- E. "Financial Exploitation" means a breach of a fiduciary duty by an actor's unauthorized expenditure of funds entrusted to the actor for the benefit of the vulnerable adult or by an actor's failure to provide food, clothing, shelter, health care, therapeutic conduct or supervision, the failure of which results or is likely to result in detriment to the vulnerable adult. Financial exploitation also includes: the willful use, withholding or disposal of funds or property of a vulnerable adult; the obtaining of services for wrongful profit or advantage which results in detriment to the vulnerable adult; the acquisition of a vulnerable adult's funds or property through undue influence, harassment, duress, deception or fraud; and the use of force, coercion or enticement to cause a vulnerable adult to perform services against the vulnerable adult's will for the profit or advantage of another.
- F. "Vulnerable Adult" means any person 18 years of age or older who: (1) is a resident or inpatient of a facility; (2) receives services at or from a licensed facility which serves adults; as set forth in Minn. Stat. § 626.5572, Subd. 21(a)(2); (3) receives services from a licensed home care provider or home care provider service; or (4) regardless of residence or type of service received possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction

that impairs the individual's ability to adequately provide the person's own care without assistance or supervision and, because of the dysfunction or infirmity and need for care or services, has impaired ability to protect the individual's self from maltreatment.

- G. "Caregiver" means an individual or facility who has responsibility for the care of a vulnerable adult as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a vulnerable adult voluntarily, by contract, or by agreement.
- H. "School Personnel" means professional employees or their delegates of the school district engaged in providing health, educational, social, psychological, law enforcement or other care-taking services of vulnerable adults.
- I. "Immediately" means as soon as possible, but no longer than 24 hours from the time initial knowledge that the incident occurred has been received.

IV. REPORTING PROCEDURES

- A. A mandated reporter as defined herein shall immediately report the suspected maltreatment to the designated county entity.
- B. Whenever a mandated reporter, as defined herein, knows or has reason to believe that an individual made an error in the provision of therapeutic conduct to a vulnerable adult which results in injury or harm, which reasonably requires the care of a physician, such information shall be reported immediately to the designated county agency. The mandated reporter also may report a belief that the error did not constitute neglect and why the error does not constitute neglect.
- C. The reporter shall to the extent possible identify the vulnerable adult, the caregiver, the nature and extent of the suspected maltreatment, any evidence of previous maltreatment, the name and address of the reporter, the time, date, and location of the incident and any other information that the reporter believes might be helpful in investigating the suspected abuse or neglect. A mandated reporter may disclose *not public data* as defined under Minn. Stat. 13.02 to the extent necessary to comply with the above reporting requirements.
- D. A person mandated to report suspected maltreatment of a vulnerable adult who negligently or intentionally fails to report is liable for damages caused by the failure. A negligent or intentional failure to report may result in discipline. A mandatory reporter who intentionally fails to make a report, who knowingly provides false or misleading information in reporting or who intentionally fails to provide all the material circumstances surrounding the reported incident may be guilty of a misdemeanor.
- E. Retaliation against a person who makes a good faith report under Minnesota law and this policy, or against vulnerable adult who is named in a report is prohibited.
- F. Any person who intentionally makes a false report under the provisions of applicable Minnesota law or this policy shall be liable in a civil suit for any actual

damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. The intentional making of a false report may result in discipline.

V. INVESTIGATION

The responsibility for investigating reports of suspected maltreatment of a vulnerable adult rests with the entity designated by the county for receiving reports.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. This policy shall appear in school personnel handbooks where appropriate.
- B. The school district will develop a method of discussing this policy with employees where appropriate.
- C. This policy shall be reviewed at least annually for compliance with state law.

Legal References: Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. 609.234 (Crimes Against the Person)
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. 626.5572 (Definitions)
In re Kleven, 736 N. W. 2d 707 (Minn. App. 2007)

Cross References: CHSD Policy 103 (Complaints-Students, Employees, Parents, Other Persons)
CHSD Proposed Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee or Student)
CHSD Policy 403 (Discipline Suspension and Dismissal of School District Employees)
CHSD Policy 406 (Public and Private Personnel Data)
CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Adopted: August 26, 2003
Revised: March 30, 2004
Revised: April 23, 2007
Revised: October 27, 2009
Revised: December 14, 2010
Revised: December 13, 2011
Reviewed: November 13, 2012
Reviewed: February 12, 2013

514 BULLYING PROHIBITION POLICY INCLUDING CYBERBULLYING

[Note: School districts are required by statute to have a policy addressing bullying.]

I. PURPOSE

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment. The school district cannot monitor the activities of students at all times and eliminate all incidents of bullying between students, particularly when students are not under the direct supervision of school personnel. However, to the extent such conduct affects the educational environment of the school district and the rights and welfare of its students and is within the control of the school district in its normal operations, it is the school district's intent to prevent bullying and to take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented. Appropriate administrative and staff follow-up will be provided for victims of bullying. The purpose of this policy is to assist the school district in its goal of preventing and responding to acts of bullying, intimidation, violence, and other similar disruptive behavior.

II. GENERAL STATEMENT OF POLICY

A. An 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 or in electronic form otherwise known as cyberbullying. 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. This policy also applies to any student whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital

pictures or images, or website postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.

- 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 age, developmental and maturity levels of the parties involved;
 - 2. The levels of harm, surrounding circumstances, and nature and severity 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 up to and including suspension 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 act to 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.

III. 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 a student or group of 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 or group of students that a reasonable person under the circumstances knows or should know has the effect of:

1. harming a student or a group of students;
2. damaging a student’s or a group of students’ property;
3. placing a student or a group of students in reasonable fear of harm to person or property;
4. creating a hostile educational environment for a student or a group of students;
5. intimidating a student or a group of students; or
6. subjecting a student to ridicule, embarrassment or social isolation.

Bullying based on a protected classification set forth in the District Equal Educational Opportunity Policy (race, color, creed, religion, national origin, sex, marital status, disability, status with regard to public assistance, sexual orientation, or age) may also constitute a violation of the District’s harassment, violence, and Discrimination Policy.

“Bullying” may also include the misuse of technology in any form including, but not limited to, teasing, intimidating, humiliating, defaming, threatening, harassing, stalking, or terrorizing another student, teacher, administrator, or other employee of the School district, by sending or posing e-mail messages, instant messages, text messages, digital pictures, or images, or website postings, including blogs, regardless of whether such acts are committed on or off School District property and/or with or without the use of School District resources.

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 or in electronic form” 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, the use of any School District technology equipment or system on or off-campus, the use of a personal digital device on campus, or off-campus electronic communication that causes or threatens to cause a substantial and material disruption at school or interference with the rights of students or employees to be secure. School district property also may mean a student’s

walking route to or from school for purposes of attending school or school-related functions, activities, or events. While prohibiting bullying at these locations and events or through use of school district technology resources, the school district does not represent that it will provide supervision or assume liability at these locations and events or through use of school district technology resources.

IV. 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 designated by this policy. A person may report bullying anonymously. However, the school district's ability to take action against an alleged perpetrator based solely on an anonymous report may be limited.
- 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 or electronic 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 report bullying directly to a school district human rights officer. If the complaint involves the building principal, the complaint shall be made or filed directly with the school district human rights officer by the reporting party or complainant. In the absent of the principal the District human rights officer may take the complaint.
- D. A teacher, school administrator, volunteer, contractor, or other school 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. School district personnel who fail to inform the building report taker of conduct that may constitute bullying in a timely manner may be subject to disciplinary action.
- 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, or 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.

V. 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, warning, suspension, exclusion, expulsion, loss of privilege, 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 Pupil Fair Dismissal Act; school district policies; and regulations. Appropriate administrative and staff follow-up will be provided for victims of bullying.
- 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 officials will notify the parent(s) or guardian(s) of students involved in a bullying incident and the remedial action taken pertaining to their student only, to the extent permitted by law, based on a confirmed report.

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 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, reprisal, harassment, or intentional disparate treatment.

VII. 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 education and information to students 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.
- D. The school district may implement violence prevention and character development education programs to prevent and reduce policy violations. Such programs may offer instruction on 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.

VIII. NOTICE

The school district will give annual notice of this policy to students, parents or guardians, and staff, and this policy shall appear in the student and employee handbooks.

Legal References: Minn. Stat. § 120B.232 (Character Development Education)
 Minn. Stat. § 121A.03 (Sexual, Religious and Racial Harassment and Violence)
 Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)
 Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
 Minn. Stat. § 121A.69 (Hazing Policy)

Cross References: CHSD Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
 CHSD Policy 413 (Harassment and Violence)
 CHSD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
 CHSD Policy 415 (Mandated Reporting of Maltreatment of Vulnerable Adults)
 CHSD Policy 423 (Employee-Student Relationships)
 CHSD Policy 501 (School Weapons Policy)
 CHSD Policy 506 (Student Discipline)
 CHSD Policy 507 (Corporal Punishment)
 CHSD Policy 515 (Protection and Privacy of Pupil Records)
 CHSD Policy 521 (Student Disability Nondiscrimination)
 CHSD Policy 522 (Student Sex Nondiscrimination)
 CHSD Policy 525 (Violence Prevention)
 CHSD Policy 526 (Hazing Prohibition)
 CHSD Policy 529 (Staff Notification of Violent Behavior by Students)
 CHSD Policy 709 (Student Transportation Safety Policy)
 CHSD Policy 711 (Videotaping on School Buses)
 CHSD Policy 712 (Video Surveillance Other Than on Buses)



INCIDENT REPORT FORM

- Student referral
- Staff referral
- Parent referral

Nature of Complaint: _____ Bullying _____ Harassment or Violence _____ Hazing

If applicable, circle basis of alleged harassment or violence:

race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability

Complainant: _____

Home address: _____

Home phone: _____ Work phone: _____

Date of alleged incident(s): _____

Name of person you believe harassed, was violent toward, bullied or hazed you or another person or group of persons:

If the alleged harassment, violence, bullying or hazing was toward another person or group of persons, identify that person or the individuals in that group _____

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, etc. (*Attach additional pages if necessary*): _____

Where and when did the incident(s) occur? _____

List any witnesses to the incident(s): _____

This complaint is filed based on my honest belief that _____ has occurred toward me or to another person or group of persons. 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

General statement of policy prohibiting religious, racial or sexual harassment:

Columbia Heights Public School District maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any pupil, teacher, administrator or other school personnel, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

General statement of policy prohibiting bullying:

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment.

An 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 or in electronic form otherwise known as cyber-bullying. 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.

"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 a student or group of 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 or group of students that a reasonable person under the circumstances knows or should know has the effect of:

1. harming a student or a group of students;
2. damaging a student's or a group of students' property;
3. placing a student or a group of students in reasonable fear of harm to person or property;
4. creating a hostile educational environment for a student. or a group of students;
5. intimidating a student or a group of students; or
6. subjecting a student to ridicule, embarrassment or social isolation.

General statement of policy prohibiting hazing:

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.

"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 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, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

Adopted: March 10, 1998
Revised: November 24, 1998
Revised: June 12, 2006
Revised: April 13, 2010
Revised: December 14, 2010
Revised: November 8, 2011

Columbia Heights School Board Policy 526

526 HAZING PROHIBITION

[Note: The Minnesota Department of Education will maintain and make available Model Policy 526 – Hazing Prohibition in accordance with Minn. Stat. § 121A.69.]

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 or off school property and during and after school hours.
- E. A person who engages in an act that violates school policy or law in order to be initiated into or affiliated with a student organization shall be subject to discipline for that act.
- F. The school district will act to 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 school-related purpose. The term hazing includes, but is not limited to:

1. Any type of physical brutality such as whipping, beating, striking, branding, electronic shocking or placing a harmful substance on the body.
 2. Any type of physical activity such as sleep deprivation, exposure to weather, confinement in a restricted area, calisthenics or other activity that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 3. Any activity involving the consumption of any alcoholic beverage, drug, tobacco product or any other food, liquid, or substance that subjects the student to an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student.
 4. Any activity that intimidates or threatens the student with ostracism, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
 5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school 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 events. A student organization does not have to be an official school 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 or any person with knowledge or belief of conduct which may constitute hazing shall 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 hazing directly to a school district human rights officer or to the superintendent. If the complaint involves the building principal, the complaint shall be made or filed directly with the school district human rights officer by the reporting party or complainant.
- 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. School district personnel who fail to inform the building report taker of conduct that may constitute hazing in a timely manner may be subject to disciplinary action.

- D. Submission of a good faith complaint or report of hazing will not affect the complainant or reporter's future employment, grades or work assignments.
- E. Reports of hazing are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law. 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 legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations.

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, reporter, 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 Pupil 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 officials will notify the parent(s) or guardian(s) of students involved in a hazing incident and the remedial action taken, to the extent permitted by law, based on a confirmed report.

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, or intentional disparate treatment.

VII. DISSEMINATION OF POLICY

- A. This policy shall appear in each school's student handbook and in each school's Building and Staff handbooks.
- B. The school district will develop a method of discussing this policy with students and employees.

Legal References: MINN. STAT. § 121A.69 (Hazing Policy)
MINN. STAT. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.0695 (School Board Policy; Prohibiting Intimidation and Bullying)

Cross Reference: CHSD Policy 403 (Discipline, Suspension and Dismissal of School District Employees)
CHSD Policy 413 (Harassment and Violence)
CHSD Policy 506 (Student Discipline)
CHSD Policy 514 (Bullying Prohibition Policy)
CHSD Proposed Policy 525 (Violence Prevention [Applicable to Students and Staff])



INCIDENT REPORT FORM

- Student referral
- Staff referral
- Parent referral

Nature of Complaint: _____ Bullying _____ Harassment or Violence _____ Hazing

If applicable, circle basis of alleged harassment or violence:

race \ color \ creed \ religion \ national origin \ sex \ age \ marital status \ familial status \ status with regard to public assistance \ sexual orientation \ disability

Complainant: _____

Home address: _____

Home phone: _____ Work phone: _____

Date of alleged incident(s): _____

Name of person you believe harassed, was violent toward, bullied or hazed you or another person or group of persons:

If the alleged harassment, violence, bullying or hazing was toward another person or group of persons, identify that person or the individuals in that group _____

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, etc. (*Attach additional pages if necessary*): _____

Where and when did the incident(s) occur? _____

List any witnesses to the incident(s): _____

This complaint is filed based on my honest belief that _____ has occurred toward me or to another person or group of persons. 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

General statement of policy prohibiting religious, racial or sexual harassment:

Columbia Heights Public School District maintains a firm policy prohibiting all forms of discrimination. Harassment or violence against students or employees or groups of students or employees on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability is strictly prohibited. All persons are to be treated with respect and dignity. Harassment or violence on the basis of race, color, creed, religion, national origin, sex, age, marital status, familial status, status with regard to public assistance, sexual orientation, or disability by any pupil, teacher, administrator or other school personnel, which create an intimidating, hostile or offensive environment will not be tolerated under any circumstances.

General statement of policy prohibiting bullying:

A safe and civil environment is needed for students to learn and attain high academic standards and to promote healthy human relationships. Bullying, like other violent or disruptive behavior, is conduct that interferes with students' ability to learn and teachers' ability to educate students in a safe environment.

An 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 or in electronic form otherwise known as cyber-bullying. 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.

"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 a student or group of 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 or group of students that a reasonable person under the circumstances knows or should know has the effect of:

1. harming a student or a group of students;
2. damaging a student's or a group of students' property;
3. placing a student or a group of students in reasonable fear of harm to person or property;
4. creating a hostile educational environment for a student. or a group of students;
5. intimidating a student or a group of students; or
6. subjecting a student to ridicule, embarrassment or social isolation.

General statement of policy prohibiting hazing:

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.

"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 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, that subjects a student to extreme mental stress, embarrassment, shame or humiliation, that adversely affects the mental health or dignity of the student or discourages the student from remaining in school.
5. Any activity that causes or requires the student to perform a task that involves violation of state or federal law or of school district policies or regulations.

181.960 DEFINITIONS.

Subdivision 1. **Applicability.** For purposes of sections 181.960 to 181.966 and unless otherwise provided, the following terms have the meanings given in this section.

Subd. 2. **Employee.** "Employee" means a person who performs services for hire for an employer, provided that the services have been performed predominately within this state. The term includes any person who has been separated from employment for less than one year. The term does not include an independent contractor.

Subd. 3. **Employer.** "Employer" means a person who has 20 or more employees. Employer does not include a state agency, statewide system, political subdivision, or advisory board or commission that is subject to chapter 13.

Subd. 4. **Personnel record.** "Personnel record," to the extent maintained by an employer, means: any application for employment; wage or salary history; notices of commendation, warning, discipline, or termination; authorization for a deduction or withholding of pay; fringe benefit information; leave records; and employment history with the employer, including salary and compensation history, job titles, dates of promotions, transfers, and other changes, attendance records, performance evaluations, and retirement record. The term does not include:

(1) written references respecting the employee, including letters of reference supplied to an employer by another person;

(2) information relating to the investigation of a violation of a criminal or civil statute by an employee or an investigation of employee conduct for which the employer may be liable, unless and until:

(i) the investigation is completed and, in cases of an alleged criminal violation, the employer has received notice from the prosecutor that no action will be taken or all criminal proceedings and appeals have been exhausted; and

(ii) the employer takes adverse personnel action based on the information contained in the investigation records;

(3) education records, pursuant to section 513(a) of title 5 of the Family Educational Rights and Privacy Act of 1974, United States Code, title 20, section 1232g, that are maintained by an educational institution and directly related to a student;

(4) results of employer testing, except that the employee may see a cumulative total test score for a section of the test or for the entire test;

(5) information relating to the employer's salary system and staff planning, including comments, judgments, recommendations, or ratings concerning expansion, downsizing, reorganization, job restructuring, future compensation plans, promotion plans, and job assignments;

(6) written comments or data of a personal nature about a person other than the employee, if disclosure of the information would constitute an intrusion upon the other person's privacy;

(7) written comments or data kept by the employee's supervisor or an executive, administrative, or professional employee, provided the written comments or data are kept in the sole possession of the author of the record;

(8) privileged information or information that is not discoverable in a workers' compensation, grievance arbitration, administrative, judicial, or quasi-judicial proceeding;

(9) any portion of a written or transcribed statement by a coworker of the employee that concerns the job performance or job-related misconduct of the employee that discloses the identity of the coworker by name, inference, or otherwise; and

(10) medical reports and records, including reports and records that are available to the employee from a health care services provider pursuant to sections 144.291 to 144.298.

History: 1989 c 349 s 1; 1994 c 595 s 1; 2007 c 147 art 10 s 15

181.961 REVIEW OF PERSONNEL RECORD BY EMPLOYEE.

Subdivision 1. **Right to review; frequency.** Upon written request by an employee, the employer shall provide the employee with an opportunity to review the employee's personnel record. An employer is not required to provide an employee with an opportunity to review the employee's personnel record if the employee has reviewed the personnel record during the previous six months; except that, upon separation from employment, an employee may review the employee's personnel record once each year after separation for as long as the personnel record is maintained.

Subd. 2. **Time; location; condition; copy.** (a) The employer shall comply with a written request pursuant to subdivision 1 no later than seven working days after receipt of the request if the personnel record is located in this state, or no later than 14 working days after receipt of the request if the personnel record is located outside this state.

(b) With respect to current employees, the personnel record or an accurate copy must be made available for review by the employee during the employer's normal hours of operation at the employee's place of employment or other reasonably nearby location, but need not be made available during the employee's working hours. The employer may require that the review be made in the presence of the employer or the employer's designee. After the review and upon the employee's written request, the employer shall provide a copy of the record to the employee.

(c) With respect to employees who are separated from employment, upon the employee's written request, the employer shall provide a copy of the personnel record to the employee. Providing a copy of the employee's personnel record to the employee satisfies the employer's responsibility to allow review as stated in subdivision 1.

(d) The employer may not charge a fee for the copy.

Subd. 3. **Good faith.** The employer may deny the employee the right to review the employee's personnel record if the employee's request to review is not made in good faith. The burden of proof that the request to review is not made in good faith is on the employer.

Subd. 4. **Employer defined.** For the purposes of this section, "employer" includes a person who has one or more employees.

History: 1989 c 349 s 2; 1992 c 445 s 1; 1994 c 595 s 2; 1997 c 180 s 3; 2004 c 137 s 2

181.962 REMOVAL OR REVISION OF INFORMATION.

Subdivision 1. **Agreement; failure to agree; position statement.** (a) If an employee disputes specific information contained in the employee's personnel record:

(1) the employer and the employee may agree to remove or revise the disputed information; and

(2) if an agreement is not reached, the employee may submit a written statement specifically identifying the disputed information and explaining the employee's position.

(b) The employee's position statement may not exceed five written pages. The position statement must be included along with the disputed information for as long as that information is maintained in the employee's personnel record. A copy of the position statement must also be provided to any other person who receives a copy of the disputed information from the employer after the position statement is submitted.

Subd. 2. **Defamation actions prohibited.** (a) No communication by an employee of information obtained through a review of the employee's personnel record may be made the subject of any action by the employee for libel, slander, or defamation, unless the employee requests that the employer comply with subdivision 1 and the employer fails to do so.

(b) No communication by an employer of information contained in an employee's personnel record after the employee has exercised the employee's right to review pursuant to section 181.961 may be made the subject of any common law civil action for libel, slander, or defamation unless:

(1) the employee has disputed specific information contained in the personnel record pursuant to subdivision 1;

(2) the employer has refused to agree to remove or revise the disputed information;

(3) the employee has submitted a written position statement as provided under subdivision 1; and

(4) the employer either (i) has refused or negligently failed to include the employee's position statement along with the disputed information or thereafter provide a copy of the statement to other persons as required under subdivision 1, or (ii) thereafter communicated the disputed information with knowledge of its falsity or in reckless disregard of its falsity.

(c) A common law civil action for libel, slander, or defamation based upon a communication of disputed information contained in an employee's personnel record is not prohibited if the communication is made after the employer and the employee reach an agreement to remove or revise disputed information and the communication is not consistent with the agreement.

History: 1989 c 349 s 3; 1992 c 445 s 2

181.963 USE OF OMITTED PERSONNEL RECORD.

Information properly belonging in an employee's personnel record that was omitted from the personnel record provided by an employer to an employee for review pursuant to section 181.961 may not be used by the employer in an administrative, judicial, or quasi-judicial proceeding, unless the employer did not intentionally omit the information and the employee is given a reasonable opportunity to review the omitted information prior to its use.

History: *1989 c 349 s 4*

181.964 RETALIATION PROHIBITED.

An employer may not retaliate against an employee for asserting rights or remedies provided in sections 181.960 to 181.965.

History: *1989 c 349 s 5*

181.965 REMEDIES.

Subdivision 1. **General.** In addition to other remedies provided by law, if an employer violates a provision of sections 181.960 to 181.964, the employee may bring a civil action to compel compliance and for the following relief:

- (1) for a violation of sections 181.960 to 181.963, actual damages only, plus costs; and
- (2) for a violation of section 181.964, actual damages, back pay, and reinstatement or other make-whole, equitable relief, plus reasonable attorney fees.

Subd. 2. **Limitations period.** Any civil action maintained by the employee under this section must be commenced within one year of the actual or constructive discovery of the alleged violation.

History: *1989 c 349 s 6*