

INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating our students to reach their full potential

Series Number **405** Adopted **May 1983** Revised **October 2016**

Title **Employee Rights**

1. Master Agreement

1.1 Each Bureau of Mediation Services-designated employee unit shall have a written master agreement which contains conditions of employment.

1.2 Units not designated by the Bureau of Mediation Services shall be governed by applicable policies which contain conditions of employment.

2. Election Judges – Employees may serve as election judges after giving their supervisor at least 20 days written notice along with certification from the appointing authority stating the hours of election judge service and the compensation that will be provided. The district may reduce the salary or wages of the employee by the amount paid by the appointing authority during the time the employee was absent from work. The district may restrict the number of employees serving as election judges to no more than 20 percent of the work force at any single worksite.

3. Jury Duty – Employees may serve on jury duty when summoned. District compensation will be based on the specific language in the employee's working agreement or letter of assignment.

4. Group Insurance – Group hospitalization and health plans may be made available to eligible district employees. The plan or combination of plans may be financed from funds contributed solely by the district, or solely by the employees or any combination thereof.

5. Tax-Deferred Savings Plan and Tax-Deferred Contribution Plan – Tax-deferred savings plans and tax-deferred matching contribution plans shall be made available to district employees.

6. Prohibition of Harassment, Discrimination (Including Sex Discrimination under Title IX), Violence or Hazing

6.1 District 196 is committed to maintaining an educational and employment environment that is free from harassment, discrimination, violence or hazing. District 196 prohibits any form of harassment, discrimination, violence or hazing, as these terms are defined herein.

6.1.1 It is a violation of this policy for any District 196 student, staff or third party to harass an employee, student, visitor or other person through conduct or communication of a sexual nature or regarding sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information as defined by this policy and supporting administrative regulations.

6.1.2 It is a violation of this policy for any District 196 student, staff or third party to inflict, threaten to inflict or attempt to inflict violence based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information upon any employee, student, visitor or other person.

- 6.1.3 It shall be a violation of this policy for any District 196 student, staff or third party to plan, direct, encourage, aid or engage in hazing. It will also be a violation of this policy for any staff to condone or fail to report any hazing.
- 6.1.4 It shall be a violation of this policy for any District 196 student, staff or third party to engage in discrimination based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information upon any employee, student, visitor or other person.
 - 6.1.4.1 District 196 shall comply with state and federal laws prohibiting discrimination, including Title IX of the Educational Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1991, the Genetic Information Nondiscrimination Act of 2008 and the Minnesota Human Rights Act.
 - 6.1.4.2 No person protected by these laws shall, on the grounds of race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation age or genetic information be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination in employment or under any educational program or activity operated by the district.
 - 6.1.4.3 The school district complies with a number of state and federal laws prohibiting discrimination. Copies of these laws are available for no charge in each district building and on the district website.
- 6.1.5 The district will act to investigate all complaints, either formal or informal, verbal or written, of harassment, discrimination, violence or hazing, and to discipline or take appropriate action against any employee, student or other district personnel who is found to have violated this policy.
- 6.1.6 District 196 has written procedures for reporting and investigating all complaints of harassment, discrimination, violence or hazing, which provide for appropriate disciplinary action based on results of the investigation and shall communicate these procedures to district personnel and students. Complete grievance procedures can be found in Administrative Regulations 405.7AR and 503.4AR, Harassment, Discrimination, Violence or Hazing. The district has appointed the Human Rights Officers who are charged with receiving, investigating and working to remedy complaints of harassment, discrimination, violence or hazing. Among other things, they are responsible for coordinating the district's compliance with applicable discrimination laws, which includes overseeing Title IX complaints relating to sex discrimination and identifying and addressing any problems that arise during the review of such complaints.

- 6.1.6.1 Specifically, the following persons are appointed as Human Rights Officers which includes serving as the District's Title IX, Section 504 and/or ADA Coordinators for complaints as follows:
- 6.1.6.1.1 For complaints involving harassment, discrimination, violence or hazing *by district personnel* contact:
Director of Human Resources
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7859
- 6.1.6.1.2 For complaints involving harassment, discrimination, violence or hazing *by a student*, contact the appropriate level director:
Director of Elementary Education (grades k-5)
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7782
or
Director of Secondary Education (grades 6-12)
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7712
- 6.1.6.1.3 For complaints involving the disability *of a student* including their rights under Section 504, contact:
Director of Special Education
3455 153rd Street West
Rosemount, MN 55068-4946
651-423-7629
- 6.1.6.2 A complaint made to one Human Rights Officer that falls within the province of another Human Rights Officer, shall be forwarded to the appropriate Human Rights Officer.
- 6.1.6.3 When appropriate, in fulfilling their duties, Human Rights Officers may delegate investigational and other responsibilities to employees or agents of the district.
- 6.1.6.4 Inquiries concerning the application of federal civil rights laws may be referred to the appropriate Human Rights Officer or to the Office of Civil Rights (OCR), which may be reached at 1-800-421-3481 or ocr@ed.gov.
- 6.1.6.5 The school district shall make reasonable accommodations for an otherwise qualified individual with a disability who is an employee or applicant for employment, unless the accommodation would impose undue hardship on the operation of the school district. An employee or job applicant wishing to discuss the need for an accommodation should contact their supervisor or the Director of Human Resources.

- 6.1.7 The superintendent develops and implements programs and processes to:
 - 6.1.7.1 Assure district compliance in employment or educational programs, athletics, counseling, activities and facilities;
 - 6.1.7.2 Evaluate district operations in terms of applicable federal and state laws prohibiting discrimination, harassment, violence and hazing;
 - 6.1.7.3 Set up a Title IX grievance process and appoint the district Human Resource Officers, and
 - 6.1.7.4 Set up a Section 504 grievance process, and appoint a Section 504 grievance officer.
- 6.1.8 Employees and students are responsible for reporting any evidence of discrimination, harassment, violence or hazing on the basis of race, color, creed, religion, national origin, sex, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information in the district. The district has developed regulations appointing appropriate staff persons to whom reports shall be made. Appropriate action may be taken against all who fail to report instances of discrimination, harassment, violence or hazing.
- 6.1.9 This policy does 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, or Equal Employment Opportunity Commission (EEOC), filing a complaint with the OCR, initiating civil action or seeking redress under state criminal statutes and/or federal law.
- 6.1.10 Nothing in this policy shall preclude teaching about issues related to sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information issues as part of the school curriculum.
- 6.1.11 Retaliation - The district shall discipline or take appropriate action against any student or district personnel who retaliates against any person who reports alleged harassment, discrimination, violence or hazing, or against any person who testifies, participates in or assists in an investigation, or who testifies, assists or participates in a proceeding or hearing relating to such harassment, discrimination, violence or hazing. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.
- 6.1.12 All persons in the district affected by this policy shall be notified about this policy.

6.2 Definitions

6.2.1 Sexual Harassment – Sexual harassment is a form of sex discrimination and includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, other verbal or physical conduct or communication of a sexual nature, including communication accomplished through the use of technology, including sexting and some forms of cyberbullying when (a) submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or 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, public services or education; or (c) that conduct or communication has the purpose or effect of substantially interfering with an individual’s employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.

6.2.1.1 In compliance with 6.2.1 above, while sexual harassment encompasses a wide range of conduct, some examples of conduct which may be prohibited include:

6.2.1.1.1 Promising, directly or indirectly, a reward, if the student or employee complies with a sexually oriented request;

6.2.1.1.2 Threatening, directly or indirectly, retaliation if the student or employee refuses to comply with a sexually oriented request;

6.2.1.1.3 Denying, directly or indirectly, an employment or education-related opportunity, if the student or employee refuses to comply with a sexually oriented request;

6.2.1.1.4 Engaging in unwelcome sexually suggestive conversation, physical contact or touching of another student or employee;

6.2.1.1.5 Sexual exploitation and sexually based stalking and/or bullying;

6.2.1.1.6 Displaying and sharing pornographic or sexually oriented materials;

6.2.1.1.7 Engaging in indecent exposure;

6.2.1.1.8 Making unwelcome sexual or romantic advances toward a student or employee and persisting despite the student or employee’s rejection of the advances, or

6.2.1.1.9 Sexual misconduct, which is any non-consensual physical contact of a sexual nature. It may include any intentional sexual touching, however slight, without consent.

- 6.2.1.2 Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.
- 6.2.1.3 Sexual harassment can involve males and females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.
- 6.2.2 Violence – For purposes of this policy, violence is a physical act of aggression or force or the threat of aggression or force that is based upon that person’s sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission age or genetic information. Violence may include threats communicated through use of technology, including some forms of cyberbullying.
- 6.2.3 Harassment based on sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, membership or activity in a local human rights commission, age or genetic information:
 - 6.2.3.1 Harassment consists of physical or verbal conduct or communication, including electronic communication that is demeaning or hostile to an individual’s status related to one or more of the categories listed in section 6.2.3 above when:
 - 6.2.3.1.1 Submission to that conduct or communication is made a term or condition, explicitly or implicitly, of employment, public services or education, or
 - 6.2.3.1.2 Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public services or education, or
 - 6.2.3.1.3 That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public services or education, or creating an intimidating, hostile or offensive employment, public services or educational environment.
- 6.2.4 Hazing – 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. Hazing may occur on or off school property and during or outside of school hours.

- 6.2.5 Discrimination – Discrimination means to segregate or separate on the basis of an individual’s sex, race, religion, color, creed, national origin, marital status, familial status, disability, status with regard to public assistance, sexual orientation, age or genetic information, except where authorized by law. Discrimination includes the following: to exclude from admission, to deny access to or participation in or the benefits of programs or activities, including vocational opportunities or to otherwise subject to discrimination in employment or in any educational program or activity operated by the district.
7. **Travel** – The district supports the professional growth of its employees and board members, and appreciates the potential value to the individual and the district of appropriate attendance at conferences, workshops and other meetings available outside the district. At the same time, every possible effort must be made to ensure that such travel enhances the mission and goals of the district and has a positive effect on the quality of the educational program.
- 7.1 Travel of district employees and board members is limited to the purposes of performing one’s duties, representing the district, improving the learning environment, professional growth and contributing to the achievement of district goals.
- 7.2 Travel arrangements for district employees and board members will be made in accordance with guidelines in Administrative Regulation 405.8AR, Travel and Related Expenses.
8. **Wage Disclosure Protection Notice** – In accordance with Minnesota Statute 181.172, employees are entitled to certain wage disclosure protections, by which the district shall abide.

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- References:**
- Minnesota Statute 121A.03, Model policy on sexual, religious, and racial harassment and violence
 - Minnesota Statute 121A.0695, School board policy; prohibiting intimidation and bullying
 - Minnesota Statute 121A.69, subdivision 2, Hazing
 - Minnesota Statute 181.172, Wage disclosure protection
 - Minnesota Statute 204B.195, Time off from work to serve as an election judge
 - Minnesota Statute Chap. 363A, Minnesota Human Rights Act
 - Minnesota Statute 471.6161, Group Insurance
 - Minnesota Statute 471.661, Out of state travel
 - Minnesota Statute 593.50, Protection of Jurors’ Employment
 - Minnesota Statutes 609.321-609.324, Prostitution
 - Minnesota Statutes 609.341-609.345, Definitions
 - Minnesota Statute 626.556, Reporting of Maltreatment of Minors
 - 29 U.S.C. 794 et seq (Section 504 of the Rehabilitation Act of 1973)
 - 20 U.S.C. 1681 et seq (Title IX of the Educational Amendments of 1972)
 - 42 U.S.C. 2000e et seq (Title VI and VII of the Civil Rights Act)
 - 42 U.S.C. 2000ff (Title II of Genetic Information Nondiscrimination Act of 2008)
 - 42 U.S.C. 12101 et seq (Americans with Disabilities Act of 1991)
 - 29 U.S.C. 621 et seq (Age Discrimination in Employment Act of 1967)