

# St.Odilia School Policy and Information Manual

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## Harassment and Violence

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### **Policy Statement**

It is the policy of St. Odilia Catholic School to maintain learning and working environment that is free from religious, racial, sexual or other harassment and violence. No employee or student of the school shall be subjected to the above. This policy will be enforced before, during and after school hours on all school and parish property, including the school bus, school functions, and events held at other locations.

It shall be a violation of this policy for any student, teacher, administrator, other school or parish personnel to harass any student, teacher, administrator, other school or parish personnel through conduct or communication of a sexual nature or regarding religion or race as defined by this policy.

It shall be a violation of this policy for any student, teacher, administrator, other school or parish personnel to inflict, threaten to inflict or attempt to inflict religious, racial, sexual or other violence upon any student, teacher, administrator or St. Odilia personnel.

The School Administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws and school policy governing harassment and violence within the school. The Administrator will act to investigate all complaints, either formal or informal, verbal or written of harassment or violence and to discipline or take appropriate action including possible suspension, expulsion or termination of employment against any student, teacher, administrator, school or parish personnel who is found to have violated this policy.

### DEFINITIONS:

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

Submission to such conduct or communication is made either explicitly or implicitly a term or condition of a person's employment or advancement or of a student's participation in school programs, activities or pursuit of an education.

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Submission to or rejection of such conduct by an employee or student is used as the basis for decisions affecting the individual's employment or education.

Such conduct or communication has the purpose or effect of unreasonably interfering with an employee or student's performance or creating an intimidating, hostile, or offensive work or learning environment.

Sexual harassment may include, but is not limited to the following:

- Verbal, written/graphic harassment or abuse
- Pressure, subtle or overt, for sexual activity
- Unwelcome sexually motivated or inappropriate patting, pinching or physical contact other than necessary restraint of student(s) by teachers, administrators or other school personnel to avoid physical harm to persons or property;
- Unwelcome sexual behaviors or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's employment or educational status;
- Unwelcome sexual behaviors or words, including demands for sexual favors, accompanied by implied or overt promises of employment or educational status: or
- Unwelcome behavior or words directed at an individual because of gender.

Racial harassment consists of physical or verbal conduct relating to an individual's race when the conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- Otherwise adversely affects an individual's employment or academic opportunities.

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Religious harassment consists of physical or verbal conduct which is related to an individual's religion when the conduct:

- Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- Otherwise adversely affects an individual's employment or academic opportunities

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

Sexual violence may include, but is not limited to: touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex.

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

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

Harassment:

Verbal or physical conduct that creates a hostile or intimidating environment in which to work or learn.

Violence:

- Any act done with intent to cause fear in another of immediate bodily harm or death.
- The intentional infliction of or attempt to inflict bodily harm upon another
- The threat to do bodily harm to another with present ability to carry out the threat.

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### Procedure

1. Any person who alleges religious, racial, sexual or other harassment and violence by a staff member or student may report the incident directly to his or her teacher, immediate supervisor, school administrator, parish administrator or Pastor.
2. Any person who witnesses or has knowledge or belief of conduct which may be harassment/violence toward a student, teacher, administrator, other school or parish personnel should inform his or her teacher, immediate supervisor, school administrator, parish administrator or Pastor as soon as possible.
3. All complaints will be documented in writing by the staff receiving the complaint and sent to the school administrator. Any complaints involving the school administrator should be sent to the parish administrator.
4. All complaints will be thoroughly investigated within two weeks after receiving the complaint by the administrator or his/her designee. The investigation is to include interviewing all parties involved. A summary of the investigation is to be documented.
5. If the School Administrator believes a criminal act has been committed, he/she should immediately contact law enforcement officials. The privacy and data privacy rights of all persons involved will be respected in accordance with current State and Federal laws.
6. When a complaint is filed the parent/guardian of the complainant should be notified by telephone or e-mail by the staff person to whom the complaint was made or referred, as soon as possible, but not later than two school days of the complaint being made. Confirmation that the telephone call or e-mail was received by the parent/guardian must be made.
7. The parents/guardian(s) of a student named in a complaint as the alleged perpetrator(s) of harassment or violence, should be notified by telephone or e-mail by the staff person to whom the complaint was made, as soon as possible, but not later than two school days of the complaint being made. Confirmation that the telephone call or e-mail was received by the parent/guardian must be made.
8. Consideration may be given to suspending the alleged perpetrator during the investigation.

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9. If the administrator and the involved parties can satisfactorily resolve the complaint, the resolution of the incident will be documented and forwarded to the Parish Administrator for information only.
10. If the complaint can **not** be satisfactorily resolved, the following actions will be taken:
  - a. The complaint will be forwarded to the Parish Administrator or his/her designee.
  - b. The Parish Administrator or their designee will review all unresolved complaints and make a recommendation for appropriate action within 30 days of receiving the complaint. All recommendations will be made in writing.
  - c. If the complaint remains unresolved or if it involves the Pastor or Parish Administrator, the complaint will be referred to the Archdiocese of St. Paul and Minneapolis for Archdiocesan Due Process.

Archdiocese of St. Paul and Minneapolis  
Due Process  
328 West Kellogg Blvd.  
St. Paul, Minnesota 55102  
(651)291-4467

11. Submission of a good faith complaint will not affect the reporter's future employment, grades, or work assignments. Appropriate disciplinary action (potentially including expulsion or termination of employment) will be taken against any student, teacher, administrator, or other school personnel who retaliate against any person who reports alleged sexual harassment or any person who testifies assists, or participates in an investigation or hearing relating to such harassment. Retaliation includes but is not limited to any form of intimidation, reprisal, or harassment.
12. The School Administration will ensure that this policy/procedure (or a summary of it) is discussed with each student in a manner appropriate to his/her age and level of understanding at the start of each school year.
13. This policy/procedure or a summary, including possible consequences for a violation, will be in the Parent/Student Handbook each year.

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### 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.