



4002 A

Reporting and Fact Finding Procedures: Harassment and Violence

Regulation 4002 A

Original Adoption: 12/18/1990

Effective Date: 09/15/2010

Revision Dates: 10/25/1994, 12/19/2007, 03/25/2008, 09/14/2010

I. PURPOSE

The purpose of this regulation is to establish the complaint, fact finding and investigation, and reporting procedures for allegations of harassment or violence in violation of Minneapolis Public Schools Policy 4002, Harassment and Violence Prohibition.

II. COMPLAINT PROCEDURES

- A. Any person who believes he or she has been the victim of harassment or violence based on characteristics identified below, or any person with knowledge or belief of conduct which may constitute harassment or violence toward a student, employee, or personnel of the District should make a complaint of the alleged acts immediately to an appropriate District official designated by this regulation.
- B. Characteristics that apply to this regulation are :
- | | |
|-----------------------------------|---|
| 1. gender | 4. disability |
| 2. race or ethnicity | 5. gender identity |
| 3. religion or religious practice | 6. sexual orientation or affectional preference |
- C. Complainants are encouraged to use the form available from the principal or site administrator of each building or available from the District Offices, but oral complaints shall be accepted.
1. Forms are found in the Toolkit for Implementing the Policies Against Discrimination, Harassment and Violence.
- D. Nothing in this regulation shall prevent any person from making complaints of alleged harassment or violence directly to the District's Office of Diversity and Equal Opportunity or to the Superintendent.
- E. Allegations or complaints should not be sent to the District General Counsel's office due to the positional conflict of interest regarding internal claims.
- F. The District will respect the privacy of the complainant, the respondent, subject(s), or individual(s) against whom the complaint is made, as well as the



witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations imposed by law. However confidentiality is not guaranteed.

III. DESIGNATION OF APPROPRIATE DISTRICT AUTHORITY

A. Appropriate District authority (official) for the purposes of Policy 4002 is designated as follows:

1. ***In a School.*** The school principal or site administrator, or her/his designee is the person responsible for receiving complaints.
 - (a) Any adult School District personnel who receives a complaint of harassment or violence shall inform the school principal, site administrator or her/his designee immediately.
 - (b) If the complaint involves the school principal or site administrator, or her/his designee, the complaint shall be filed or verbally made directly to the District Office of Diversity and Equal Opportunity.
2. ***In All Other District Locations.*** The site administrator, or department supervisor or her/his designee is the appropriate District official to receive complaints of harassment or violence.
 - (a) If the complaint involves the site administrator or department supervisor or her/his designee, the complaint shall be filed or made to the District Office of Diversity and Equal Opportunity.
 - (b) If the complaint involves staff in the District Office of Diversity and Equal Opportunity, the complaint shall be filed or verbally made directly to the Superintendent.

B. The name of the appropriate District authority as determined under this section shall be conspicuously posted in each facility. The posting shall include the person's name, title, mailing address, telephone number and email address. The District authority for the site or her /his designee is responsible to see that such postings are made and maintained.

IV. FACT FINDING PROCEDURES

- A. Within twenty-four (24) hours after receipt of a complaint of harassment or violence, the appropriate District authority (official) must initiate fact-finding procedures.
1. Failure to initiate fact-finding within twenty-four (24) hours of receiving a report may result in disciplinary action against the official.



2. The official shall follow the Toolkit for Implementation of the Policies Against Discrimination, Harassment and Violence defined procedures and use the forms provided in the conduct of the fact-finding.
- B. The official may request, but may not insist upon, a written complaint.
1. If the complaint is made verbally and the complainant cannot or will not provide a written complaint the official shall convert the allegations to a written complaint.
 2. In the case of verbal complaints converted to a written complaint the official shall have the complainant attest to the accuracy of the written complaint.
- C. A written notice, including, but not limited to a statement of the facts alleged will be forwarded as soon as practicable by the official to the Office of Diversity and Equal Opportunity.
1. If the complaint involves the official, the complaint shall be made or filed directly with the Office of Diversity and Equal Opportunity or the Superintendent.
- D. The fact-finding shall 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 report or complaint.
- E. The fact-finding may also consist of any other methods and documents deemed pertinent by the appropriate District official.
- F. If the complainant is a student and the individual against whom the allegations are made is an employee of the District, and the facts lead the appropriate District official to reasonably believe that child abuse has occurred,
1. the official shall make a report as required by District Policy, federal and state law.
 2. the official may take immediate steps, at its discretion, to protect the complainant pending completion of the fact-finding.
- G. If the official has reason to believe that criminal activity has occurred, the official shall contact the local police and the District General Counsel's office immediately.

V. FACT FINDING REPORT

- A. The official shall complete the fact-finding process as soon as practicable.



- B. The official shall make a written report to the Office of Diversity and Equal Opportunity upon completion of the fact-finding.
 - 1. If the complaint involves the Office of Diversity and Equal Opportunity, the report shall be filed directly with the Superintendent.

- C. The report shall include a determination of whether the allegations have been substantiated, unsubstantiated or found unable to be substantiated.
 - 1. In determining whether allegations have been substantiated, the fact finder shall consider all the circumstances, witness statements, and credibility of each person interviewed.
 - 2. Credibility of each person shall be determined on the basis of all the facts known, and the interviewer's observations, including, but not limited to:
 - (a) the person's demeanor,
 - (b) any bias exhibited during the interview, and
 - (c) the person's prior conduct.

- D. The report shall include a determination of whether the conduct which is the subject of the complaint and substantiated through the fact-finding process appears to be a violation of District policy prohibiting harassment and violence based on the characteristics identified in Paragraph II.B. above.
 - 1. In determining whether alleged conduct constitutes a violation of this policy, the fact-finding should consider the surrounding circumstances:
 - (a) the nature of the behavior,
 - (b) past incidents of the behavior,
 - (c) past or continuing patterns of behavior,
 - (d) the relationship between the parties, and
 - (e) the context in which the alleged incident(s) occurred.

VI. DISTRICT ACTION

- A. Upon receipt of a report of substantiated allegations, the District, will take appropriate action. Appropriate action may include, but is not limited to:
 - 1. a warning;
 - 2. a letter of reprimand in an employee's personnel file;
 - 3. a suspension;
 - 4. exclusion;
 - 5. expulsion;
 - 6. transfer;
 - 7. remediation or retraining; and/or
 - 8. termination or discharge.



- B. Any discipline of an employee shall be in conformance with applicable Collective Bargaining Agreements, Contracts of Employment, and Federal and State Law.
- C. Any discipline of a student shall be in conformance with the Citywide Discipline Policy, and Federal and State Law.
- D. In a school, the principal or site administrator, working in conjunction with the Office of Diversity and Equal Opportunity shall take the appropriate action regarding students. In the case of an employee, the District's employee relations department shall take the appropriate action.
- E. In all other District facilities, discipline shall be handled by the individual's supervisor working in conjunction with the District's employee relations department and the Office of Diversity and Equal Opportunity.
- F. In all cases, the District reserves the right to refer the results of its own fact-finding to the criminal authorities for possible criminal charges, whether or not the District takes any action on its own account.
- G. The complainant, and the complainant's parent or guardian if a student is under age eighteen, and the individual against whom the allegations have been made may receive information from the report in conformance with the Data Practices Compliance Policy of the District, Federal and State Law following the completion of the fact-finding and after the decision regarding the appropriate action has been made.

Legal References:

42 U.S.C. § 2000e, et seq., (Section 703 of Title VII of the Civil Rights Act of 1964, The Civil Rights Act of 1991)

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

City of Minneapolis Ordinance Title VII, Ch. 139

Cross References:

MPS Policy 1040 (Data Practices Compliance)

MPS Policy 4000 (Equal Employment Opportunity)

MPS Policy 4001 (Employment Non-discrimination based on Disability)

MPS Policy 5000 (Equal Education Opportunity)

MPS Policy 5200 (Citywide Discipline)

MPS Policy 5201 (Bullying and Hazing Prohibition)

MPS Policy 5750 (Disability and Nondiscrimination)