



4002 B

Definitions: Harassment and Violence

Regulation 4002 B

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I. PURPOSE

The purpose of this regulation is to define terms used in Policy 4002, Harassment and Violence Prohibition, and regulations implementing that policy based on the alleged target's status as a member of a protected class.

II. DEFINITIONS

- A. "Assault" shall mean:
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. "Disability" shall mean any person who:
1. Has a physical, sensory or mental impairment which materially limits one or more major life activities; or
 2. Has a record of such an impairment; or
 3. Is perceived as having such an impairment.
- C. "Disability Harassment" shall mean physical or verbal conduct, including conduct that is spoken, written or visual, or delivered through technological means, which is related to an individual's disability when the conduct:
1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; and / or
 2. has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; and/or
 3. otherwise adversely affects an individual's employment or academic opportunities.
- D. "Disability violence" shall mean physical act of aggression or assault upon another because of, or in a manner reasonably related to, the person's disability.
- E. "Family Structure" shall mean the details of the condition of one or more minors residing with their parent, parents, legal guardian, or the designee of the parent or legal custodian of the minor; or the condition of those persons who have created communities of intention through common residence, finances, and social agreements to identify as a family.
- F. "Gender" and "sex" shall mean the characteristic of being male or female, and shall include persons who have had their birth gender medically reassigned.
- G. "Gender Identity or Expression" shall mean having or being perceived as having a self-image or identity either traditionally or not traditionally associated with one's biological



maleness or femaleness. Gender expression may be accomplished through the choices a person makes in clothing, hair style, name and pronoun choice.

- H. “Intimate parts” shall have the meaning defined in Minnesota Statute Section 609.341, Subd. 5. and shall include
1. the primary genital area,
 2. groin,
 3. inner thigh,
 4. buttocks or
 5. breast.
- I. “Marital status” shall mean whether a person is single, married, remarried, divorced, separated, or a surviving spouse and, includes protection against discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.
- J. “National origin” shall mean the place of birth of an individual or of any of his/ her lineal ancestors.
- K. “Other district personnel” shall mean individuals found in a District facility due to their status as
1. a Board of Directors member
 2. an independent contractor under contract with the District;
 3. a parent; and/or
 4. a volunteer.
- L. “Racial Harassment” and “Ethnicity Harassment” shall mean physical or verbal conduct, including conduct that is spoken, written or visual, or delivered through technological means, relating to an individual's race or ethnicity 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.
- M. “Religious Harassment” shall mean physical or verbal conduct including conduct that is spoken, written or visual, or delivered through technological means which is related to religion when the conduct:
1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; and / or
 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.
- N. “Racial or ethnic violence” shall mean a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or ethnicity.



- O. “Religious violence” shall mean a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion.
- P. “Sexual Harassment” shall mean
1. any of the following behaviors:
 - a. unwelcome sexual advances,
 - b. requests for sexual favors,
 - c. sexually motivated physical conduct, or
 - d. verbal or physical conduct or communication including conduct that is spoken, written or visual, or delivered through technological means of a sexual nature
 2. when:
 - a. the behavior is unwelcome,
 - b. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of any term of employment, of obtaining an education or of transacting business with the District; or
 - c. submission to or rejection of that conduct or communication by a person is used as a factor in decisions affecting that individual's employment, education or business with the District; or
 - d. that conduct or communication has the purpose or effect of substantially or unreasonably interfering with a person's employment, education or business with the District, or creating an intimidating, hostile or offensive employment, education or business environment.
 3. Sexual harassment includes but is not limited to the following behaviors:
 - a. Unwelcome statements of a sexual nature;
 - b. Unwelcome solicitation or pressure for sexual activity;
 - c. Intentional brushing against, patting, poking or pinching of another's body;
 - d. Requests for sexual favors accompanied by implied or overt threats concerning an individual's employment, education or business with the School District;
 - e. Requests for sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment, education or business with the School District; or
 - f. Any sexually motivated unwelcome touching.
 4. The perpetrator of sexual harassment may be of any gender, regardless of the gender of the complainant.
- Q. “Sexual Orientation or Affectional preference” shall mean having or being perceived as having an emotional, physical, or sexual attachment to another person without regard to the gender of that person or having or being perceived as having an orientation for such attachment.
- R. “Sexual Orientation, Affectional Preference or Gender Identity Harassment” shall mean physical or verbal conduct including conduct that is spoken, written or visual, or delivered through technological means which is related to sexual orientation, affectional preference or gender identity, or being accepting of persons who have or who are



perceived to have a particular sexual orientation, affectional preference or gender identity when the conduct:

1. has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; and / or
 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.
- S. "Sexual Violence" shall mean a physical act of aggression or force, or the threat thereof, that includes a sexual act or sexual purpose. It includes, but is not limited to:
1. touching another's intimate parts,
 2. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts,
 3. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another, or
 4. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another.
- V. "Status with regard to public assistance" shall mean 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.
- W. "Touching" shall include, but is not limited to
5. patting,
 6. poking,
 7. grabbing,
 8. pinching, and/or
 9. physical contact of the above nature with the clothing covering the immediate area of the intimate parts.

Legal References:

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

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

Minn. Stat. § 609.341, Subd. 5

City of Minneapolis Ordinance Title VII §139.20

Cross Reference:

MPS Policy 4002 (Harassment and Violence Prohibition)