



Prohibition of Malicious and Sadistic Conduct Policy

Date Created: 07/10/2023

Approved By: Not yet approved

Date Approved: TBD

Prohibition of Malicious and Sadistic Conduct Policy

Purpose:

A. Three Rivers Montessori prohibits malicious and sadistic conduct and sexual exploitation by a school staff member, independent contractor, or student enrolled in the school against a staff member, independent contractor, student, or volunteer in all contexts.

B. "Malicious and sadistic conduct" means creating a hostile learning/working environment by acting with the intent to cause harm by intentionally injuring another without just cause or reason or engaging in extreme or excessive cruelty or delighting in cruelty.

C. TRM cooperates with law enforcement and regulatory agencies (including but not limited to police departments, Department of Education, and the Department of Human Services). Law enforcement or other regulatory agencies may be notified as appropriate.

Policy Requirements:

A. Three Rivers Montessori prohibits malicious and sadistic conduct involving race, color, creed, national origin, sex, age, marital status, status regarding public assistance, disability, religion, sexual harassment, and sexual orientation and gender identity as outlined in the Minnesota Human Rights Act (Minnesota Statutes, Chapter 363A) and sexual exploitation ("Prohibited Conduct").

B. Disciplinary measures for each violation of the policy will be guided by the student behavior policy and the non-discrimination policy in conformance with the Pupil Fair Dismissal Act (Minnesota Statutes, 121A.41-56).

C. Notice of this policy will be posted conspicuously at the Three Rivers Montessori school building, be distributed to each employee & independent contractor when hired or contracted, included in each student's family handbook, and discussed with students, parents, independent contractors, and employees as needed.

D. The Executive Director shall be the primary contact to receive and investigate reports of Prohibited Conduct and will work with the designated Human Resources representative to investigate all claims. The Executive Director's proxy may act in the absence of the Executive Director.

E. All employees who witness Prohibited Conduct or possess reliable information that would lead a reasonable person to suspect that a student is a target of Prohibited Conduct are required to make reasonable efforts to address and resolve the Prohibited Conduct. Employees must include school leadership as needed to come to resolution.



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F. Any reports of Prohibited Conduct will be investigated within three school days of a report and a written report will be created by the primary contact, or their designated proxy. This report will be shared with all parties involved while maintaining data privacy and confidentiality practices. Investigations may include, but not be limited to, gathering of interviews, written reports from witnesses, and procuring timelines of events and claims.

G. Once a report of Prohibited Conduct is made, the primary contact will immediately respond, as appropriate, to ensure the safety of the targeted individual. Remedial responses shall be tailored to the particular incident and nature of the conduct and the student's developmental age and behavioral history.

H. In most cases, the primary contact will notify the appropriate family member or guardian of both the targeted individual and the accused within 24 hours of report that a report of Prohibited Conduct has been made. The primary contact may provide information about available community resources to the target, actor, and other affected individuals, as appropriate.

Reporting:

A. Any person who believes they have been the target or victim of Prohibited Conduct or any person with knowledge or belief of conduct that may constitute Prohibited Conduct under this policy shall report the acts immediately to the primary contact as designated by this policy. In most cases, such report shall be made within 24 hours of the alleged Prohibited Conduct. If the complaint involves the primary contact, the complaint shall be made or filed directly with a Board member.

B. A person may report Prohibited Conduct anonymously. However, the school may not rely solely on an anonymous report to determine discipline or other remedial responses.

C. A teacher, school administrator, volunteer, contractor, or other school employee shall be particularly alert to situations, circumstances, or events that might include Prohibited Conduct. Any such person who witnesses, observes, receives a report of, or has other knowledge or belief of conduct that may constitute Prohibited Conduct shall make reasonable efforts to address and resolve the Prohibited Conduct and shall inform the primary contact immediately. In most cases, such report shall be made within 24 hours of learning of the alleged Prohibited Conduct. School personnel who fail to inform the primary contact of conduct that may constitute Prohibited Conduct or who fail to make reasonable efforts to address and resolve the Prohibited Conduct in a timely manner may be subject to disciplinary action.



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Retaliation or Reprisal:

The school will discipline or take appropriate action against any student, teacher, administrator, volunteer, contractor, or other employee of the school who commits an act of reprisal or who retaliated against any person who asserts, alleges, or makes a good faith report of alleged Prohibited Conduct, who provides information about Prohibited Conduct, who testifies, assists, or participates in an investigation of alleged Prohibited Conduct, or who testifies, assists, or participates in a proceeding or hearing relating to such Prohibited Conduct. Retaliation includes, but is not limited to, any form of intimidation, reprisal, harassment, or intentional disparate treatment. Disciplinary consequences will be sufficiently severe to deter violations and to appropriately discipline the individuals who engaged in the retaliation or reprisal. Remedial responses to retaliation or reprisal shall be tailored to the particular incident and nature of the conduct and shall take into account the factors for disciplinary action for Prohibited Conduct as set forth herein.

Response to a Verified Report of Prohibited Conduct:

A. Student Response: The school 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 acts of Prohibited Conduct may range from positive behavioral interventions up to and including suspension and/or expulsion. Students on an Individualized Education Plan or Section 504 Plan will address the skills and proficiencies the child needs to respond to or not engage in the Prohibited Conduct, however, they may be subject to suspension or expulsion if behavioral interventions and response are not impacting acts of Prohibited Conduct.

B. Staff Response: Consequences for school employees who engage in, permit, condone, or tolerate Prohibited Conduct or engage in an act of reprisal or intentional false reporting of malicious or sadistic conduct may result in disciplinary action up to and including termination or discharge.

C. Other parties including vendors, volunteers, and contractors: Consequences for other individuals engaging in prohibited acts of Prohibited Conduct malicious or sadistic conduct may include, but not be limited to, exclusion from school property and events and/or termination of services and/or contracts.



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D. All accused parties of Prohibited Conduct will be allowed to present a defense as part of the investigation.

E. All affected students and their parents/guardians will be informed of their rights under state and federal data practices laws to obtain data related to the incident and their right to contest the accuracy or completeness of the data.

References:

Minnesota Statutes, Chapter 121A.0312 (Malicious and Sadistic Conduct)

Minnesota Statutes, Chapter 121A.41-56 (Pupil Fair Dismissal Act)

Minnesota Statutes, Chapter 363A (Minnesota Human Rights Act)