



Memo To: School Principals, Activities Directors, Coaches and Interested Parties

From: Bob Driver, Executive Director MASSP
Erich Martens, Executive Director MSHSL

Re: Harassment Policies and Responsibilities

Date: March 3, 2022

Recent events underscore the responsibility of schools and the importance of the policies adopted by School Districts and the MSHSL. Every school district in Minnesota has a racial, religious, and sexual harassment policy. In addition, the MSHSL has a separate policy governing the conduct of students and its own sexual, racial, religious harassment, violence and hazing policy. Together, these policies create a legal framework governing harassment in all forms.

At the outset, these policies are designed to impose consequences for harassment. The rationale is clear. Without question, harassment causes harm to students. Racist behavior can have damaging, short-term and long-term effects on students of color. Victims of sexual harassment can suffer significant physical and psychological effects. Harassment of any type will not be tolerated in our schools, in our activities, or in any aspect of students' high school experience.

MSHSL BYLAW 209, 206 and 409

1. BYLAW 209 specifically covers harassment. Students engaging in harassment or violence at any time, not just during an MSHSL activity, are subject to ineligibility. (First Violation is two weeks or two events; second violation is six events or three weeks; third violation is 12 events or 28 days.) In each case, the longer of the two penalties must be served.

Racial harassment is behavior that has the purpose or effect of creating an intimidating, hostile or offensive environment. It is important to note that the impact of the behavior is sufficient to trigger a consequence. Individuals who are victims of harassment should report to school administrators or the District Human Rights Officer. The school district is responsible for conducting investigations and issuing findings.

2. BYLAW 206 covers all behaviors, not just harassment. Bylaw 206 reaffirms that participation is a privilege, and as part of the privilege, students agree to abide by the Student Code of Responsibilities. The first tenant of the Code requires:

participants must respect the rights and beliefs of others and will treat others with courtesy and consideration.

Harassment in any form violates the Code of Student Responsibilities. The penalty for violating the Student Code of Conduct is determined locally, by school administration. Administrators have the authority, under League rules, to determine a student is ineligible for periods in excess of league penalties prescribed in other bylaws. Such decisions are final and are not appealable.

“A student who is dismissed from school or who violates the Student Code of Responsibilities is not in good standing and is ineligible for a period of time as determined by the school principal acting on the authority of the local board of education. The League specifically recognizes that certain conduct requires penalties that may exceed those penalties typically imposed for first violations.” (Bylaw 206.00, Paragraph 3, Penalty.)

3. BYLAW 409 covers teams students and spectators. Bylaw 409 clearly states a school’s responsibility for the proper conduct of teams, team members, students and home spectators regardless of where the contest is being held. In meeting this obligation, the following statute and tips can assist you in enforcement.

MINNESOTA TRESPASS STATUTE Minn. Stat. 609.605

A school principal (or the principal’s designee) always has the authority to have an individual removed when engaging in harassing behavior on school property. All that is required is that the principal tell the individual to leave and not return.

The law states: *“It is a misdemeanor for a person to enter or be found on school property within one year after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property”.*

This is a powerful tool for dealing with inappropriate behavior by adults, visitors, or other individuals.

SOME TIPS

1. Reaffirm with all students, athletes, participants and adults, that harassment in any form is unacceptable and will incur a significant consequence.
2. Make reporting easy. Identify contacts for individuals who are victims. Also, encourage individuals who have witnessed harassment to report to officials.
3. Make accountability everyone’s responsibility and provide sufficient supervision for events.
4. Support victims with a consistent protocol.

As school administrators:

1. Review League and Local policies.
2. Treat all reports consistently and seriously.
3. Go through test scenarios and have an idea in advance as to how you will handle the case.
4. Do your investigations quickly. Response time is significant.
5. Train your staff. Go through hypotheticals. Be prepared for events you didn’t expect.
6. Get support. Always use district resources. Also, do not hesitate to call MASSP or MSHSL.

Let’s make our schools a welcoming environment for all.