



Policy number:
Adopted:9.22.23
Revised: 9.22.23

MIDWAY'S MALICIOUS & SADISTIC CONDUCT POLICY

I. PURPOSE:

The purpose of this policy is to maintain a safe and inclusive educational environment that fosters respect, dignity, and equality for all individuals.

II. GENERAL STATEMENT

- a. This policy strictly prohibits any form of malicious and sadistic conduct based on race, color, creed, national origin, sex, age, marital status, status regarding public assistance, disability, religion, sexual harassment, sexual orientation, and gender identity, as mandated by the MN Human Rights Statute 363A.
- b. The policy also prohibits sexual exploitation.
- c. The school will adhere to the requirements of the Pupil Fair Dismissal Act 121A.41-56 and any relevant collective bargaining agreements regarding disciplinary actions for policy violations.

III. PROVISIONS

- a. The school strictly prohibits any conduct that is malicious and sadistic, which includes but is not limited to physical, verbal, or psychological abuse, intimidation, bullying, or harassment.
- b. The policy explicitly prohibits such conduct based on the protected characteristics, including race, color, creed, national origin, sex, age, marital status, status regarding public assistance, disability, religion, sexual harassment, sexual orientation, and gender identity.

IV. Prohibition of Sexual Exploitation

- a. Sexual Exploitation Act Includes but is not limited to:
 - Engaging in any form of sexual activity without the explicit and voluntary consent of all parties involved, including but not limited to using threats, blackmail, manipulation, or force to obtain sexual favors or engage in sexual activities against someone's will.
 - Online exploitation: Sharing, distributing, or soliciting sexually explicit images, videos, or content without the consent of the individuals involved, including revenge porn or sextortion.
 - Taking advantage of a power imbalance, such as a teacher-student relationship or supervisor-subordinate relationship, to engage in sexual activities or exert control over someone.
 - Engaging in unwanted sexual advances, comments, gestures, or actions that create a hostile or intimidating environment.

- b. The school strictly prohibits any form of sexual exploitation, including but not limited to sexual harassment, sexual assault, non-consensual sexual activities, or any other exploitative behavior.
- c. This policy applies to all members of the school community, including students, staff, faculty, contractors, volunteers, and visitors.

V. School Bullying Law (121A.031 subd.4 (a)):

- a. The school will incorporate the components mandated by the school bullying law into this policy.
- b. This includes defining bullying, establishing reporting procedures, and addressing the investigation and resolution of reported incidents.

VI. DISCIPLINARY ACTIONS:

- a. The school will implement disciplinary actions for any violations of this policy in accordance with the Pupil Fair Dismissal Act (121A.41-56) and any relevant collective bargaining agreements.
- b. The disciplinary actions may include but are not limited to corrective actions, suspension, expulsion, termination, or legal prosecution, depending on the severity of the offense and the circumstances surrounding the incident.

VII. COMMUNICATING THIS POLICY:

- a. Copies of this policy will be posted conspicuously throughout each school building.
- b. The policy will be added to the school website, ensuring visibility to all members of the school community.
- c. Each employee and independent contractor will receive a copy of this policy upon hiring or contracting.
- d. The school will facilitate discussions about this policy with students, parents, independent contractors, and employees, this may include meetings, workshops, presentations, or other methods that encourage dialogue, understanding, and collaboration in maintaining a safe and respectful school environment.

VIII. IMPLEMENTATION AND REVIEW

- a. The school will ensure the effective implementation of this policy through regular training, monitoring, and review processes.
- b. The policy will be periodically reviewed and updated as necessary to align with legal requirements and best practices in addressing malicious and sadistic conduct.

IX. LEGAL REFERENCES

- *(MN Statutes 121A.0312)*
- *(MN Human Rights Statute 363A)*
- *school bullying law (121A.031 subd.4 (a))*
- *(Pupil Fair Dismissal Act 121A.41-56)*