



OSHKI
OGIMAAG

Oshki Ogimaag Community School

Adopted: 09/20/23

Revised: 04/16/25

POLICY No. _____

PROHIBITION OF MALICIOUS AND SADISTIC CONDUCT POLICY

I. PURPOSE

To ensure a safe and supportive learning environment, **Oshki Ogimaag Charter School** prohibits malicious and sadistic conduct and sexual exploitation by or against any member of the school community. This policy is adopted pursuant to Minnesota Statutes § 121A.0312 and incorporates the minimum components required under Minnesota Statutes § 121A.031, subdivision 4.

II. SCOPE AND APPLICABILITY

This policy applies to all students, staff (including teachers and administrators), independent contractors, volunteers, and third parties on school property, at school-sponsored activities, on school transportation, and in any context where conduct materially and substantially disrupts the school environment.

III. DEFINITIONS

- **Malicious and Sadistic Conduct**
Creating a hostile learning 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.

- **Sexual Exploitation**
Any behavior that uses a position of authority or trust to exploit a student for sexual purposes, as prohibited under Minnesota Statutes § 121A.0312(b)(2).
- **Protected Characteristics**
Race, color, creed, national origin, sex, age, marital status, status with regard to public assistance, disability, religion, sexual harassment, sexual orientation, and gender identity, as defined in Minnesota Statutes, Chapter 363A.

IV. PROHIBITED CONDUCT

1. Malicious and sadistic conduct involving any protected characteristic.
2. Sexual exploitation of any student or staff member.
3. Retaliation or reprisal against any individual who reports or participates in an investigation of prohibited conduct.

V. REPORTING PROCEDURES

1. **Primary Contact Person**
The Executive Director is designated as the primary contact to receive reports of prohibited conduct, oversee investigations, and ensure policy implementation.
2. **Mandatory Reporting**
Any employee or contractor who witnesses or has reliable information about prohibited conduct must promptly report it to the primary contact.
3. **Anonymous Reporting**
Individuals may report anonymously; however, anonymous reports alone will not be the sole basis for disciplinary action.

VI. INVESTIGATION PROCEDURES

- The primary contact must initiate an investigation within three school days of a report.
- All investigation records are confidential and maintained by the primary contact.
- The alleged actor must be given an opportunity to present a defense.

VII. RESPONSE AND REMEDIAL ACTIONS

1. **Immediate Protection**
Intervene promptly to protect the target of prohibited conduct.
2. **Tailored Remedies**
Remedial responses—such as counseling, restorative practices, or changes in class assignments—must be appropriate to the nature of the conduct and the developmental needs of the students involved.
3. **Disciplinary Consequences**
Sanctions for violations shall conform with Minnesota Statutes §§ 121A.41–121A.56, ranging from warnings and suspension to expulsion or termination of contract.

VIII. SUPPORTS AND ACCOMMODATIONS

- Provide information on community resources to affected individuals.
- For students with IEPs or 504 plans, address skills needed to respond to or refrain from prohibited conduct within those plans.

IX. TRAINING AND PREVENTION

- **New Staff Training:** Introduce this policy during onboarding.
- **Ongoing Professional Development:** At least once every three years, train all personnel (educators, counselors, coaches, support staff) on identifying, preventing, and responding to malicious and sadistic conduct.

X. POLICY DISTRIBUTION AND REVIEW

- Post this policy prominently in all school buildings.
- Distribute to all employees and contractors at hire/contract and include in the Family Handbook.
- Review and discuss annually with students, parents, and staff.

This policy supersedes any prior versions and will be reviewed biennially to ensure continued compliance with Minnesota law.