

Policy 103: Anti bullying/Harassment

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the board. The board is committed to providing all students with a safe and civil school environment in which all members of the school community are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of individuals will not be tolerated in the school or school district. Any student or employee filing a bullying/harassment complaint must complete Form 105A.

The board prohibits harassment, bullying, hazing, or any other victimization of persons, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

This policy is in effect while students or employees are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school or school district.

If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures up to, and including, suspension and expulsion. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures up to, and including, termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures up to, and including, exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

Harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a person which is based on any actual or perceived trait or characteristic of the person and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the person in reasonable fear of harm;
- Has a substantially detrimental effect on the person's physical or mental health;
- Has the effect of substantially interfering with the person's performance; or
- Has the effect of substantially interfering with the person's ability to participate in or benefit from the services, activities, or privileges provided by a school.

"Electronic" means any communication involving the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic" includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, electronic text messaging or similar technologies.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Repeated remarks of a demeaning nature that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at individuals that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either implicitly or explicitly a term or condition of the student's education or condition of a person's employment;
- Submission to or rejection of the conduct by a school employee is used as the basis for academic (student) or employment decisions affecting that person;

- The conduct has the purpose or effect of substantially interfering with the person's academic or employment performance by creating an intimidating, hostile, or offensive education environment.

In situations between individuals and school officials, faculty, staff, or volunteers who have direct contact with students, bullying and harassment may also include the following behaviors:

- Requiring that an individual submit to bullying or harassment by another individual, either explicitly or implicitly, as a term or condition of the targeted individual's education or participation in school programs or activities; and/or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the individual.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, shall be immune from civil or criminal liability relating to such report and to the person's participation in any administrative, judicial, or other proceeding relating to the report. Individuals who knowingly file a false complaint may be subject to appropriate disciplinary action.

Retaliation against any person, because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment complaints and any person who gives false statements in an investigation shall be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The school administration will be responsible for handling all complaints by students alleging bullying or harassment. The district's Level 1 investigator will be responsible for handling all complaints by employees alleging bullying or harassment. If the complaint is directed toward a building principal or a supervisor, the superintendent will be the investigator.

This policy will be published in the student handbook and employee handbook.

Legal References: 20 U.S.C. §§ 1221-1234i (2004).
29 U.S.C. § 794 (1994).
42 U.S.C. §§ 2000d-2000d-7 (2004).
42 U.S.C. §§ 12001 *et. seq.* (2004).
Senate File 61, 1st Regular Session, 82nd General Assembly, (2007).
Iowa Code §§ 216.9; 280.3 (2007).
281 I.A.C. 12.3(6).

Date of Adoption: August 13, 2007

Reviewed: April 14, 2008; May 9, 2011; Nov. 12, 2012

Amended: May 9, 2011

103 HARASSMENT INVESTIGATION PROCEDURES

Harassment of employees and students will not be tolerated in the school district. School district includes school district facilities, school district premises, and nonschool property if the employee or student is at any school sponsored, school approved or school related activity or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

Harassment includes, but is not limited to, racial, religious, national origin, age, disability and sexual harassment. Harassment by board members, administrators, employees, parents, students, vendors and others doing business with the school district is prohibited. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;
- Submission to such conduct is made either explicitly or implicitly a term or condition of academic achievement, advancement or participation in school activities.

Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain individuals and groups.

COMPLAINT PROCEDURE

A student who believes that they have been harassed shall notify the building principal. If the alleged harasser is the building principal, the complaint shall notify the Level I Investigator. An employee who believes that they have been harassed shall notify their immediate supervisor.

If the alleged harasser is the immediate supervisor, the complaint shall notify the Level I Investigator. Any student or employee filing a bullying/harassment complaint must complete Form 105A.

INVESTIGATION PROCEDURE

a) Student – Student

The building administration shall reasonably and promptly commence the investigation upon receipt of the complaint. The building administration shall interview the complainant and the alleged harasser. The alleged harasser must file a written statement refuting or explaining the behavior outlined in the complaint. The building administration may also interview witnesses as deemed appropriate.

b) Employees

The investigator shall reasonably and promptly commence the investigation upon receipt of the complaint. The investigator shall interview the complainant and the alleged harasser. The alleged harasser must file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator shall report to the superintendent. The investigator will outline the findings of the investigation to the superintendent, and the superintendent will act upon the findings within seventy-two hours.

RESOLUTION OF THE COMPLAINT

a) Student – Student

Following the investigation, the building administration will make a determination of the appropriate next step which may include discipline up to and including expulsion from school.

b) Employees

The superintendent will complete the next step in the investigation reasonably and promptly upon receipt of the investigator's report. Following the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline up to and including discharge, and in cases involving students, expulsion from school.

Prior to the determination of the appropriate remedial action, the superintendent may, at the superintendent's discretion, interview the complainant and the alleged harasser. The superintendent shall file a written report closing the case. The complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation; notwithstanding, compliance for all student and personnel privacy laws.

POINT TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaint must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process. (Retaliation is defined as an attempt to harm or wrong another in response to a real or perceived injury.)
- Retaliators will be disciplined up to and including discharge.
- Retaliation should not preclude exercise of an individual's legal rights.

CONFLICTS

If the Level 1 investigator is the alleged harasser or a witness to the incident, the alternate Level 1 investigator shall be the investigator. If the alleged harasser is the superintendent, the Level 1 investigator shall take the superintendent's place in the investigation process. The Level 1 investigator shall report the findings to the board.