

ANTI-BULLYING/HARASSMENT POLICY

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 students by students, school employees, and volunteers who have direct contact with students will not be tolerated in the school or school district.

The board prohibits harassment, bullying, hazing, or any other victimization, of students, 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. Harassment against employees based upon race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age or disability is also prohibited.

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.

Legal References: 20 U.S.C. §§ 1221-1234i (2012).
 29 U.S.C. § 794 (2012).
 42 U.S.C. §§ 2000d-2000d-7 (2012).
 42 U.S.C. §§ 12001 *et. seq.* (2012).
 Iowa Code §§ 216.9; 280.3 (2013).
 281 I.A.C. 12.3(6).
 Morse v. Frederick, 127 S. Ct. 2618 (2007)

Cross References: 104 Equal Educational Opportunity
 502 Student Rights and Responsibilities
 503 Student Discipline
 506 Student Records

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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 including volunteer tutors, mentors and coaches.

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

- Places the student in reasonable fear of harm to the student's person or property;
- Has a substantially detrimental effect on the student's physical or mental health;
- Has the effect of substantially interfering with the student's academic performance; or
- Has the effect of substantially interfering with the student'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 the student 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 shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, written, 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 benefits;
- Submission to or rejection of the conduct by a school employee is used as the basis for academic decisions affecting that student;
- The conduct has the purpose or effect of substantially interfering with the student's academic performance by creating an intimidating, hostile, or offensive education environment;

- Pressure for sexual activity, repeated remarks with sexual or demeaning implications, unwelcome touching; and/or
- Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, achievements, etc.

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

- Requiring that a student submit to bullying or harassment by another student, either explicitly or implicitly, as a term or condition of the targeted student'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 student.

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.

Any student who feels that s/he is the victim of bullying or harassment shall immediately contact any school personnel including the school principal, counselor, teacher, classroom assistant or school nurse. Any student who witnesses or know of behavior, by adults or students, that intentionally instills fear in another student(s) should report such behavior to any school personnel including the school principal, counselor, teacher, classroom assistant, or school nurse. All reports received by school personnel shall be taken seriously and reported immediately to the building principal. The building principal will be responsible for handling all complaints by students alleging student-to-student bullying or harassment. If the student believes that their concerns have not been addressed, s/he may file a complaint with the superintendent of schools. Any student who knowingly file false complaints under this policy or give false statements in an investigation shall be subject to disciplinary action which may include suspension and expulsion.

Any employee or volunteer who feels that s/he is the victim of bullying or harassment shall immediately contact the building principal. Any employee who witnesses or knows of behavior displayed by an employee, volunteer or other adults in the school that intentionally instills fear in another should report such behavior to the building principal. All reports received by the

building principal shall be taken seriously and if the issue cannot be resolved at the building level it should be reported and addressed by the Human Resources Investigator. The Human Resources Investigator will be responsible for handling all complaints by alleging bullying or harassment by a school employee or volunteer toward students or other adults. If the employee or volunteer believes that their concerns have not been addressed, s/he may file a complaint with the superintendent of schools. Any employee who knowingly file false complaints under this policy or give false statements in an investigation shall be subject to disciplinary action which may include termination. If the person doing the bullying or harassment is the building principal, then it should be taken to the Human Resources Investigator or the Superintendent.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The Human Resources Investigator or the principal will be responsible for handling all complaints by students alleging bullying or harassment. The Human Resources Investigator or district director will be responsible for handling all complaints by employees alleging harassment.

It is the responsibility of the superintendent, in conjunction with Human Resources Investigator and building principals, to develop procedures regarding this policy. The superintendent is responsible for ensuring that training programs for students, school officials, faculty, staff, and volunteers in how to recognize harassment and what to do in case a student is harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the district. The superintendent shall report to the board on the progress of reducing bullying and harassment in the board.

The board will annually publish this policy and a copy shall be made to any person at the central administrative office (1401 12th Ave. N). The policy may be publicized by the following means:

- Inclusion in student handbooks,
- Inclusion in employee handbooks,
- Inclusion on the school or school district's web site,