

## 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 other students, by school employees, and by 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 the employee's 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 is also prohibited.

This policy is in effect while students or employees are on school grounds, school district property, or on property within the jurisdiction of the school district; while on school-owned and/or school-operated buses, vehicles or chartered buses; while engaged in school activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the 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 which may include suspension or 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 which may include 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 which may include exclusion from school grounds. "Volunteer" means an individual who has regular, significant contact with students.

When looking at the totality of the circumstances, 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.

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“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:

- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, property, etc.;
- Demeaning jokes, stories, or activities directed at the student; and/or,
- Unreasonable interference with a student's performance.

Sexual harassment of a student by an employee 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 benefits;
- Submission to or rejection of the conduct is used as the basis for academic decisions affecting that student; or,
- 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.

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.

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The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The building principal or his/her designee will be responsible for handling all complaints by students alleging bullying or harassment that are brought to the buildings attention. Allegations of bullying and/or harassment filed with the district office will be investigated by either the district bully/harassment trained investigator or the building principal. The Human Resources Director or his/her designee will be responsible for handling all complaints by employees alleging harassment. Additionally, the Human Resources Director is responsible for investigation all complaints alleging bullying or harassment of a student by an employee that may rise to the level of physical or sexual abuse.

It also is the responsibility of the superintendent, in conjunction with the investigator(s) and principals, to develop procedures regarding this policy. The superintendent and district administrative staff are responsible for organizing training programs for students, school officials, faculty, staff, and volunteers who have direct contact with students. The training will include 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 and district administrative staff will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment in the school district.

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion in the registration materials
- Inclusion on the school or school district's web site,
- and a copy shall be made to any person at the central administrative office at *401 76<sup>th</sup> Ave SW, Cedar Rapids Iowa*

Approved: 10/19/15

Revised: 10/16/17

Reviewed: 7/16/18

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. §§ 12101 *2et. seq.* (2012).  
Iowa Code §§ 216.9; 280.28; 280.3 (2013).  
281 I.A.C. 12.3(6).  
Morse v. Frederick, 127 S.Ct. 2618 (2007)

## COMPLAINT PROCEDURE

An individual who believes that he/she has been harassed or bullied will notify the Building Principal in most cases or the district-designated investigator. The alternate investigator in each building is the Associate Principal or Guidance Counselor. The investigator may request that the individual complete the Harassment/Bullying Complaint form and turn over evidence of the harassment/bullying, including, but not limited to, letters, tapes, or pictures. The complainant shall be given a copy of the completed complaint form. Information received during the investigation is kept confidential to the extent reasonably possible. Once the complaint is initiated, the investigator will use a harassment screening tool to determine if the complaint rises to the level of harassment/bullying under this policy or if it should be addressed as a typical student disciplinary matter.

The district always reserves the right to initiate an investigation in the absence of a complaint form.

## INVESTIGATION PROCEDURE

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. If the complaint meets the criteria within the harassment/bullying screening tool, an investigation will be launched.

During the investigation, the investigator will interview the complainant, interview the alleged harasser/bully, and gather all needed material. The alleged harasser/bully may file a written statement in response to the complaint. The investigator may also interview other witnesses as deemed appropriate. Investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this policy.

Upon completion of the investigation, the investigator will make written or verbal findings and conclusions as to each allegation of harassment/bullying and report the findings and conclusions to the superintendent. The investigator will provide a copy of the findings of the investigation to the superintendent.

If the investigator is the subject of a complaint or a witness to the incident, the alternate investigator shall investigate.

## RESOLUTION OF THE COMPLAINT

Following receipt of the investigator's report, the superintendent may investigate further, if deemed necessary, and make a determination of any appropriate additional steps which may include discipline.

ANTI-HARASSMENT/BULLYING COMPLAINT FORM

Please fill out this form briefly, a district employee will review this document and contact you via phone regarding this complaint form. At that time, the investigator will seek more detailed information.

Name of complainant: \_\_\_\_\_

Alleged person being harassed or bullied: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser or bully: \_\_\_\_\_

Date and place of incident(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Name of witness(es): \_\_\_\_\_

\_\_\_\_\_

Evidence of harassment or bullying (i.e. letters, photos, etc): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Any other pertinent information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## STUDENT HANDBOOK PROVISION

### **Initiations, Hazing, Bullying or Harassment**

Harassment, bullying and abuse are violations of school district policies, rules and regulations and, in some cases, may also be a violation of criminal or other laws. The school district has the authority to report students violating this rule to law enforcement officials.

Students who feel that they have been harassed or bullied should:

- Communicate to the harasser or bully that the student expects the behavior to stop, if the student is comfortable doing so. If the student needs assistance communicating with the harasser or bully, the student should ask a teacher, counselor or principal to help.
- If the harassment or bullying does not stop, or the student does not feel comfortable confronting the harasser or bully, the student should:
  - ✓ tell a teacher, counselor or principal; and
  - ✓ write down exactly what happened, keep a copy and give another copy to the teacher, counselor or

principal including;

- - what, when and where it happened;
- - who was involved;
- - exactly what was said or what the harasser or bully did;
- - witnesses to the harassment or bullying;
- - what the student said or did, either at the time or later;
- - how the student felt; and
- - how the harasser or bullying responded.

Harassment or bullying is defined as 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, including 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 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.

Harassment prohibited by the school district also includes, but is not limited to, actions or conduct prohibited by state and/or federal anti-discrimination laws. These actions or conduct include any harassment on the basis of race, color, creed, sex, national origin, religion, disability, sexual orientation, and gender identity.

Sexual harassment may include, but is not limited to:

- verbal, physical or written harassment or abuse;
- pressure for sexual activity;
- repeated remarks to a person with sexual or demeaning implications; and
- suggesting or demanding sexual involvement, accompanied by implied or explicit threats.

#### STUDENT HANDBOOK PROVISION

Other forms of harassment may include, but is not limited to:

- verbal, physical, or written harassment or abuse;
- repeated remarks of a demeaning nature;
- implied or explicit threats concerning one's grades, job, etc; and
- demeaning jokes, stories or activities.

An individual who believes that the individual has been harassed or bullied should notify the designated investigator pursuant to the school district harassment/bullying complaint procedures. No retaliation will be taken against individuals involved in the investigation process. Students, employees, or volunteers found to be in violation of harassment/bullying policies shall be subject to discipline by appropriate measures up to, and including, suspension and expulsion (for students), termination (for employees), and exclusion from school grounds (for volunteers).