



## HARASSMENT

The Ames Community School District Board of Directors believes that an attitude of respect among students and staff is essential for their learning and working environment. Denigrating, hostile, intimidating, or malicious behavior will not be tolerated.

The Ames Community School District prohibits harassment in the school district. The school district includes school district facilities, school district premises, and non-school property if the employee or student is at any school-sponsored, school-approved, or school-related activity or function.

Harassment/intimidation/ malicious behavior includes any behaviors which denigrate race, religion, national origin, age, disability, color, or sexual orientation and/or have the effect of insulting, demeaning or causing harm to a person or a person's property or place a person in fear of damage to person or property. Harassment by board members, administrators, employees, parents, students, vendors, and others doing business with this school district is prohibited. An employee whose behavior is found to be in violation of this policy may be subject to discipline, up to and including discharge. A student whose behavior is found to be in violation of this policy may be subject to discipline, up to and including expulsion. Board members, parents, vendors, and others doing business with the school district whose behavior is found to be in violation of this policy may also be subject to consequences.

The civility of a school environment is the responsibility of principals, teachers, staff, students and parents. Employees who witness harassment must take appropriate action. Harassment should first be dealt with at the classroom and then at the building level. A formal complaint procedure exists for unresolved and continuing harassment issues.

Sexual harassment will not be tolerated. Sexual harassment is unwelcome, repeated sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education;
- submission to or rejection of such conduct by a person is used as a basis for academic or employment decisions affecting that person;
- such conduct has the clear purpose or effect of interfering with a person's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment.

Discriminatory harassment of any kind will not be tolerated. Discriminatory harassment based on race, religion, national origin, age, disability, color, or sexual orientation includes verbal, physical, or written conduct; such as actions, words, jokes, comments, or demands that denigrate or show hostility or aversion toward an individual or their relatives, friends, or associates and that:

- has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment;



- has the purpose or effect of unreasonably interfering with an individual's work or educational performance; or
- otherwise adversely affects an individual's employment or educational opportunities.

Discriminatory harassment is determined on a case by case basis, taking into account the nature of the conduct, how the conduct would be perceived by a reasonable person, how the conduct is perceived by the complaining party, and the totality of the circumstances.

Harassment/intimidation/malicious behavior is not limited to sexual or discriminatory harassment, but extends to any behavior that has the effect of insulting, demeaning or causing fear of harm including jokes, stories, and pictures that offend, alarm, abuse, or demean individuals or groups.

At all times, staff and students are required to respect persons, property, and the rights of others.

Employees and students who believe they have suffered harassment shall report in a timely manner such matters to their building principal or department director, who shall be the compliance officers for harassment complaints. However, claims regarding harassment may also be reported to the Deputy Superintendent, who shall be the alternate compliance officer for harassment complaints.

Complaints reported to the compliance officers shall be handled in a timely manner. Information regarding an investigation of alleged harassment shall be confidential to the extent possible and practical, and those persons involved in the investigation should respect this confidentiality.

It shall be the responsibility of the investigator to pass the findings of such investigations on to the superintendent or designee who shall complete such further investigation as deemed necessary and take such final action as deemed appropriate. No one shall retaliate against an employee or student because they have filed a harassment complaint; assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge; or because they have opposed language or conduct that violates this policy.

Legal Reference: Merrier Savings Bank v. Vinson, 477 U.S. 57 (1986).  
Hall v. Gus Const. Co., 842 F.2d 1010 (8th Cir. 1988).  
Lynch v. City of Des Moines, 454 N.W. 2d 827 (Iowa 1990).  
42 U.S.C. 2000e et seq. (1988).  
29 C.F.R. Pt. 1604.11. (1990).  
Iowa Code 601A (1991).

Cross Reference: Equal Educational Opportunity, JB  
Equal Employment Opportunity, GBA  
Staff Complaints and Grievances (Support Staff), GBM  
Student Discipline, JG  
Abuse of Students by District Personnel, JHFF

ADOPTED: February 8, 1993; Revised March 1997, March 1999, September 2004,  
January 2006

REVIEWED: March 17, 1997; March 29, 1999; January 16, 2006



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### Complaint Procedure

An employee or student who believes that he/she has been harassed shall immediately notify the building principal or department director who will request that the employee or student complete the Harassment Complaint Form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures.

The building principal or department director, with the approval of the superintendent or designee, or the superintendent or designee has the authority to initiate a harassment investigation in the absence of a written complaint.

### Conflicts

If the investigator is the alleged harasser or a witness to the incident, an alternate investigator appointed by the superintendent or board shall become the investigator. The alternate investigator may serve as initial contacts for the reporting of harassment complaints.

If the alleged harasser is the superintendent, the alternate investigator shall take the superintendent's place in the investigation process. The alternate investigator shall report the findings to the Board.

### Investigation Procedure

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 may file a written statement refuting or explaining the behavior outlined in the complaint. The investigator may also interview witnesses as deemed appropriate. Information received during the investigation shall be kept confidential to the extent possible and practicable.

Upon completion of the investigation, the investigator shall present a written report to the superintendent or designee.

### Resolution of the Complaint

The Superintendent or designee will complete the next step in the investigation reasonably and promptly upon receipt of the investigator's written report. Following the investigator's report, the Superintendent or designee may investigate further, if deemed necessary, and make a determination of the appropriate next step which may include discipline up to and including discharge for employees, and up to and including expulsion for students. The Superintendent or designee shall file a written report closing the case. The complainant, the alleged harasser and the investigator shall receive notice that the case has been investigated fully and has been resolved. Final resolutions may be appealed to the Ames Board of Directors.

A written record of all instances of harassing conduct will be made by the investigator and kept in the Personnel Office.



### Retaliation

Employees, students, and others who have filed a harassment charge or who have assisted or participated in any manner in a harassment investigation or hearing may not be retaliated against.

Behavior which will be considered retaliation includes, but is not limited to:

- open hostility or expressions of hate,
- excluding a person from the group,
- monitoring or watching an employee's work performance more than is required by customary supervisory diligence, and
- assigning employees to do demeaning work which they are not normally assigned to do.

### False Claims

Any employee or student who files a false or bad faith harassment claim shall be disciplined.

A bad faith claim is one that has no purpose other than to harass or cause another person pain.

February 1993, March 1997, January 2006