

**EQUAL EDUCATIONAL OPPORTUNITIES; PROHIBITION OF
HARASSMENT AND BULLYING OF STUDENTS**

Nondiscrimination. No student in the Ballard Community School District shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in District programs on the basis of race, color, creed, sex, religion, marital status, ethnic background, national origin, disability, sexual orientation, gender identity, or socio-economic background. The policy of the District shall be to provide educational programs and opportunities for students as needed on the basis of individual needs, interests, abilities and potential.

Harassment and Bullying Prohibited. The District is committed to providing all students a safe and civil educational environment in which all are treated with dignity and respect. The District is also committed to promoting understanding and appreciation of the cultural diversity of our society. The District shall educate students about our cultural diversity and shall promote tolerance of individual differences.

Harassment and bullying of students is against the policy of the State of Iowa as well as of the Ballard Community School District. The District shall promote procedures and practices to reduce and eliminate harassment and bullying. The District prohibits harassment and bullying of students by other students, by employees, and by volunteers while in school, on school property, and at any school function or school-sponsored activity. This includes harassment or bullying based on the student's actual or perceived trait or characteristic, including the student's actual or perceived race, color, creed, sex, age, religion, marital or familial status, ethnic background, national origin, ancestry, physical or mental ability or disability, sexual orientation, gender identity, physical attribute, political party preference, political belief, or socio-economic background. Acts of harassment or bullying may be treated as grounds for discipline. Discipline may include suspension or expulsion of a student, termination of an employee's contract, and/or exclusion of a volunteer from District activities or premises.

Definition. Any electronic (such as emails or instant messages), written, verbal or physical act or conduct toward a student that is based on an actual or perceived trait or characteristic that creates or could reasonably be expected to create an objectively hostile school environment is prohibited. An objectively hostile school environment is created if the act or conduct.

- places the student in reasonable fear of harm to the student's person or property; or
- has a substantially detrimental effect on the student's physical or mental health; or
- 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 District services, activities, or privileges.

Examples of prohibited behavior may include, but are not limited to the following:

- unwelcome touching;
- inappropriate or demeaning remarks, jokes, stories, activities, symbols, signs or posters;
- implied or explicit threats concerning grades, awards, property or opportunities;
- requiring, explicitly or implicitly, that a student submit to harassment or bullying as a term or condition of the student's participation in any educational program or activity.

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Sexual Harassment.

General. It is the policy of the Ballard Community School District to maintain a learning environment that is free from sexual harassment. All employees, visitors and students must avoid any action or conduct which could reasonably be perceived as sexual harassment. It shall be a violation of this policy for any person to harass a student through conduct or communications of a sexual nature as defined in this policy.

Definition. Sexual harassment shall consist of unwelcome sexual advances, requests for sexual acts or 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 the student's educational opportunities or benefits; or
- Submission to or rejection of such conduct by a student is used as the basis for educational decisions affecting that student; or
- Such conduct has the purpose or effect of substantially interfering with a student's education by creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited to the following:

- requests or pressure for sexual activity;
- unwelcome touching;
- other verbal or physical conduct of a sexual nature, such as inappropriate jokes, symbols, signs or posters of a sexual nature;
- repeated remarks to or about a person with sexual or demeaning implications.

(Note: any sexual overtures made by a staff member to a student, whether welcomed or unwelcomed, shall be grounds for discipline, including discharge of the staff member.)

Complaint Procedures. Any person alleging a violation of this policy may file a complaint using the Student Complaint Procedure of Policy 529. Employees who are aware of harassment or bullying shall file a written complaint or shall report the conduct to a principal or to the compliance officer. The complainant may bypass any step of the complaint procedure where the person to whom the complaint is to be lodged is the alleged perpetrator. The complainant may file the initial complaint with the compliance officer. Policy 530 shall govern the investigation of alleged cases of physical or sexual abuse, including sexual harassment, of students by staff members.

The complainant may be required to complete a written complaint form and to turn over copies of evidence of discrimination, harassment or bullying including, but not limited to, letters, emails, tapes, signs, and pictures. The investigator shall promptly commence an investigation and proceed to completion. Both the complainant and the alleged perpetrator will be given an opportunity to give a statement. District employees, students and volunteers shall fully and fairly cooperate in the investigation.

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A written investigative report shall be completed, and a summary of the report, including a finding that the complaint was founded, unfounded, or inconclusive will be forwarded to the complainant, to the parent or guardian, and to the alleged perpetrator. The investigator will consider the totality of the circumstances presented in determining whether the conduct objectively constitutes discrimination or harassment.

Grievance Procedure – Disability. The District has also established a grievance procedure to handle complaints of discrimination based on disability and to handle concerns regarding accommodations of disabled students. A parent, guardian, or student may utilize such grievance procedures.

Compliance Officer. The Superintendent shall be designated as the District's compliance officer to insure that students are treated in accordance with District policy prohibiting discrimination, harassment and bullying. In the event the Superintendent is the alleged perpetrator, the 504/ADA Coordinator shall serve as compliance officer. For claims of discrimination involving disability, the 504/ADA Coordinator shall serve as compliance officer. In the event the 504/ADA Coordinator is the alleged perpetrator, the Superintendent shall be the alternate compliance officer.

Confidentiality. The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the District's legal obligations, and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

No Retaliation. No person shall retaliate against a student or other person because the student or other person has filed a discrimination or harassment complaint, assisted or participated in an investigation, or has opposed language or conduct that violates this policy, as long as the participation or action was done in good faith. Persons who engage in retaliation or who knowingly file false complaints or give false statements in an investigation shall be subject to discipline up to and including suspension, expulsion, exclusion or termination of employment.

Corrective Actions. The District will take action to halt any improper discrimination, harassment or bullying and will take other appropriate corrective actions, including disciplinary measures which may include discharge, suspension, expulsion, or exclusion of a perpetrator to remedy all violations of this policy.

Notification. Notice of this policy shall be communicated to staff, students, and parents of the District and to the District community. It shall be included in handbooks and shall be published in such other manner as the compliance officer shall determine.

Training. The District shall educate staff, parents and students about harassment and bullying, effective methods of prevention, and what to do in the event of such actions. The District shall participate in assessments of the effectiveness of this policy and education programs and shall make reports as required.

Other Agencies. Students and their parents may also contact the Iowa Civil Rights Commission and the Office of Civil Rights of the United States Department of Education for assistance.

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Date of Revision:

September 17, 2007

Legal References:

216.9, 256.11, 279.8, 280.3, 280.17, 280.28 708.10
Code of Iowa; 281 I.A.C. 12.1(1), 12.2, 12.3(6),
12.5(8), Chapter 102; Title IX of the Education
Amendments of 1972, 42 U.S.C. 2000c et seq.; Title VI
of the Civil Rights Act of 1964, 42 U.S.C. 2000d et
seq.; Rehabilitation Act of 1973, 29 U.S.C. 794;
Individuals With Disabilities Education Act, 20 U.S.C.
§1401 et seq.; Americans With Disabilities Act 42
U.S.C. §12101, e. seq.; 34 C.F.R. Parts 100, 104 and
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