

ANTI-BULLYING/HARASSMENT

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, race, color, creed, national origin, age, gender identity, physical or mental ability or disability, religion, sexual orientation, marital status, physical appearance, ancestry, political party preference, political belief, socioeconomic status, familial status, and sexual harassment. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged 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 alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment will 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.

Other types of harassment/bullying may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups. It may include verbal, nonverbal, physical, written, or electronic harassment, bullying, hazing, or other victimization that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim. "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.

Employees and students who believe they have suffered harassment will report such matters to the investigator for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator for harassment complaints.

Upon receiving a complaint, the investigator will confer with the complainant to obtain an understanding and a statement of the facts. It is the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who will complete such further investigation as deemed necessary and take such final action as deemed appropriate. Information regarding an investigation of harassment is confidential to the extent possible, and those individuals who are involved in the investigation will not discuss information regarding the complaint outside the investigation process.

Approved 12-16-04

Reviewed _____

Revised 8-08-07

ANTI-BULLYING/HARASSMENT

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.

No one will retaliate against an employee or student because they have filed a harassment or bullying 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. 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.

It is the responsibility of the board members, administrators, licensed and classified employees, students, and others having business or other contact with the school district to act appropriately under this policy. It is the responsibility of the superintendent and investigator to inform and educate employees or students and others involved with the school district about harassment and the school district's policy prohibiting harassment.

This policy and accompanying regulations will only apply when an employee is the victim of an alleged harasser or an employee is the alleged harasser. It is the responsibility of the superintendent, in conjunction with the investigator, to develop administrative rules regarding this policy.

NOTE: School districts are required to have harassment/bullying policies. This policy should be used when an employee is the alleged harasser or the alleged victim. Student-to-student harassment is addressed in Policy 502.10. It is strongly recommended the investigator and alternate investigator be of opposite sexes.

Legal Reference: 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).

Cross Reference: 102 Equal Educational Opportunity
401.1 Equal Employment Opportunity
401.4 Employee Complaints
402.3 Abuse of Students by School District Employees
404 Employee Conduct and Appearance
502.10 Student-to-Student Harassment
503 Student Discipline

ANTI-BULLYING/HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

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

Signature: _____

Date: _____

WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony, interview: _____

Description of instance witnessed: _____

Any other information: _____

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

Signature: _____

Date: _____

ANTI-BULLYING/HARASSMENT INVESTIGATION PROCEDURES

Individuals who feel that they have been harassed should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask another employee, counselor, or administrator for help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
 - Tell an administrator; and
 - Write down exactly what happened, keep a copy, and give another copy to the administrator. Make sure and include the following:
 - What, when, and where it happened;
 - Who was involved;
 - Exactly what was said or what the harasser did;
 - Witnesses to the harassment;
 - What you said or did, either at the time or later;
 - How you felt; and
 - How the harasser responded.

COMPLAINT PROCEDURE

An employee or student who believes that they have been harassed will notify the building principal, the designated investigator. The alternate investigator is _____. The investigator may 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. Information received during the investigation is kept confidential to the extent possible.

The investigator, with the approval of the superintendent, or the superintendent has the authority to initiate a harassment investigation in the absence of a written complaint.

INVESTIGATION PROCEDURE

The investigator will reasonably and promptly commence the investigation upon receipt of the complaint. The investigator will 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.

Upon completion of the investigation, the investigator will report to the superintendent. The investigator will outline the findings of the investigation to the superintendent.

ANT-BULLYING/HARASSMENT INVESTIGATION PROCEDURES

RESOLUTION OF THE COMPLAINT

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.

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 will file a written report closing the case. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation.

POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including discharge.

CONFLICTS

If the investigator is the alleged harasser or a witness to the incident, the alternate investigator is the investigator.

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