

Excellence for All



INFORMATION FROM
OFFICE OF THE SUPERINTENDENT

Bullying and Harassment of Students

The Cedar Rapids Community School District 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. A safe and civil school environment is necessary for students to learn and achieve at high academic levels. Harassing and bullying behavior can seriously disrupt the environment, and the ability of students to learn and succeed. Therefore, it is the policy of the Board of Education that school employees, volunteers, and students in school, on school property, or at any school function or school sponsored activity shall not engage in harassing or bullying behavior. Harassment and bullying are violations of the Code of Iowa and Cedar Rapids School board policy. Information regarding the bullying and harassment policy will be provided in student parent handbooks.

The school district prohibits harassment, bullying, hazing, or any other victimization of students based on actual or perceived traits or characteristics of the student or for any other reason. This regulation is in effect while students are on property within the jurisdiction of the school district, while on school-owned or in school-operated vehicles, while attending or engaging in school sponsored activities and while away from school grounds if the misconduct directly affects the order, efficient management or welfare of the school district.

"Harassment" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on an 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.
- Has the effect of substantially interfering with the services, activities, or privileges provided by a school.

"Trait or characteristic of the student" includes but is 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.

"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, cell phones, electronic text messaging, and the Internet.

Bullying and harassment as set forth above may include, but is not limited to the following behaviors or overt acts:

- Verbal, nonverbal, physical or written victimization that has 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, appreciable discomfort, fear, or suffering to the victim
- Demeaning jokes, stories, or activities that have the purpose or effect of causing injury, appreciable discomfort, fear, or suffering to the victim
- Unreasonable interference with a student's performance or creation of an intimidating, offensive, or hostile learning environment

Sexual harassment means unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating, offensive or hostile learning environment.

Examples of sexual harassment as set out above may include, but are not limited to, the following:

- Verbal or written harassment or abuse
- Pressure for sexual activity
- Remarks or gestures to a person with sexual or demeaning implications
- Unwelcome touching

The school district will provide training on anti-harassment and anti-bullying to school employees and volunteers who have significant contact with students. In addition, the school district will develop a process to provide students with the skills and knowledge to help reduce incidents of harassment and bullying.

RECOURSE TO STUDENT-TO-STUDENT BULLYING OR HARASSMENT

A student (or adult on student's behalf) who believes he/she has suffered harassment should report such matters to certified staff administrators and/or the district's equity coordinator. The complaint process is outlined in Procedures 601a and 601b. The certified staff/administrators and/or the district's equity coordinator will promptly and reasonably investigate allegations of harassment. The building principal or designee will be responsible for handling all complaints by students alleging harassment unless he/she has any conflict of interest. Investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying. If, after an investigation, a student is found to be in violation of this policy, the student shall be disciplined by measures up to and including suspension or expulsion.

Retaliation against a student because the student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is prohibited. School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information about such an act of harassment or bullying. The superintendent designee has the right to discipline students who knowingly file false harassment complaints or otherwise act in bad faith during a complaint/investigative process. A student who is found to have retaliated against another in violation of this policy will be subject to discipline up to and including suspension or expulsion.

Any matters involving complaints of discrimination or harassment shall remain confidential to the extent reasonably possible. Confidential documentation of allegations or investigations will not be filed in the complainant's student file.

RECOURSE TO ADULT-TO-STUDENT BULLYING OR HARASSMENT

Harassment of students by school officials, faculty, staff or volunteers who have direct contact with students is also prohibited. Bullying and harassment of students by adults may 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
- Inappropriate remarks to students
- Unwelcome touching
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, appreciable discomfort, fear, or suffering to the victim
- Suggesting or demanding sexual involvement.
- Obscene, lewd or sexual gestures or comments

A student (or adult on student's behalf) who believes he/she has suffered harassment should report such matters to certified staff/administrators and/or the district's equity coordinator. The complaint process is outlined in Procedures 601a and 601b. Complaints alleging acts of intentional physical or sexual abuse by school employees, including inappropriate sexual behavior toward students, should be reported to the Level I Investigator as outlined in Procedure 506.6a.

The certified staff/administrators and/or the district's equity coordinator will promptly and reasonably investigate students' allegations of harassment. The building principal or designee will be responsible for handling all complaints by students alleging harassment unless he/she is the alleged perpetrator or has any other conflict of interest. Investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying. If after investigation a staff member is found to be in violation of this policy, the staff member shall be subject to disciplinary sanctions up to and including termination.

Retaliation against a student because the student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is prohibited. School employees, volunteers, and students shall not engage in reprisal, retaliation, or false accusation against a victim, witness, or an individual who has reliable information, about such an act of harassment or bullying. However, the superintendent designee has the right to discipline anyone who knowingly files a false harassment complaint or knowingly gives untruthful statements during the investigative process. A staff member who is found to have retaliated against a student in violation of this policy shall be subject to disciplinary sanctions up to and including termination.

Legal References:

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).

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Student-to-Student Harassment Investigation Procedures

What to do if a student (or adult on student's behalf) believes he/she has been harassed:

- ✓ If the student is comfortable doing so, the student should communicate to the harasser that the student expects the behavior to stop. If the student wants assistance communicating with the harasser, the student should ask a teacher, counselor, or principal to help.
- ✓ If the harassment does not stop, or the student does not feel comfortable confronting the harasser, the student should
 - tell a teacher, counselor, or principal; and
 - write down or explain 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(s) did;
 - ✓ witnesses to the harassment;
 - ✓ what the student said or did, either at the time or later;
 - ✓ how the student felt; and
 - ✓ how the harasser(s) responded.

COMPLAINT PROCEDURE

A student (or adult on student's behalf) who believes that he/she has been harassed will ask a teacher, counselor or principal to help. The investigator (Principal's designee) may request that the student complete the Harassment Incident Report 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 principal, or the principal 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(s). The alleged harasser(s) may file a written statement admitting, 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 document findings and conclusions as to each allegation of harassment and report the findings and conclusions to the principal. The investigator will provide a copy of the findings of the investigation to the principal.

RESOLUTION OF THE COMPLAINT

Following receipt of the investigator's report, the principal may investigate further, if deemed necessary, and make a determination of any appropriate additional steps, which may include discipline, up to, and including suspension and expulsion.

Prior to the determination of the appropriate remedial action, the principal may, at the principal's discretion, interview the complainant and the alleged harasser(s). The principal will file a written report closing the case and documenting any disciplinary action taken or any action taken in response to the complaint. The complainant, the alleged harasser(s) and the investigator will receive notice as to the conclusion of the investigation.

POINTS TO REMEMBER IN THE INVESTIGATION

- ✓ Complaints must be taken seriously and investigated.
- ✓ Evidence uncovered in the investigation is confidential to the extent possible.
- ✓ No retaliation will be taken against individuals involved in the investigation process unless an individual acts in bad faith (e.g. lying about an incident or in describing an incident).
- ✓ Retaliators will be disciplined up to and including suspension and expulsion.

CONFLICTS

If the investigator is a witness to the incident or has any other conflict of interest, the alternate investigator (Principal's designee) shall investigate.