

Anti-Bullying /Harassment

When looking at the totality of the circumstances, the District considers harassment and bullying to be any electronic, written, verbal, or physical act or conduct toward a student which is based on any real or actual 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 his/her 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.

“Electronic” is 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.

A hostile school environment is defined as a situation in which the bullying / harassment conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school.

Harassment and bullying may include, but are not limited to, the following behaviors and circumstances:

- Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have 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, discomfort, fear, or suffering to the victim;
- Implied or explicit threats concerning one's grades, achievements, property, etc. that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at the student that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
- Unreasonable interference with a student's performance or creating 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:

- 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 by a school employee 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.

A student (or adult on student's behalf) who believes he/she has suffered bullying and/or harassment will report such matters to a teacher, principal, or counselor. The information will be given to the designated building investigator(s) as outlined in Procedure 612.1a. 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 building principal or designee will be responsible for promptly and reasonably investigating all complaints by students alleging bullying and/or harassment unless he/she is the alleged perpetrator or has any other conflict of interest, at which time a secondary investigator will be assigned. Investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying. If after an 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.

Any person who promptly, reasonably, and in good faith reports an incident of bullying and/or harassment under this regulation 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 and/or harassment complaint or assisted or participated in a bullying and/or harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false bullying and/or 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 regulation. Any student who has retaliated in violation of this regulation shall be subject to measures up to, and including, suspension and expulsion. Any school employee who has retaliated in violation of this regulation shall be subject to measures up to, and including, termination of employment. Any school volunteer who has retaliated in violation of this regulation shall be subject to measures up to, and including, exclusion from school grounds.

The school or District will promptly and reasonably investigate allegations of bullying and/or harassment. The building principal or designee will be responsible for handling all complaints by students alleging bullying and/or harassment. The building principal or designee will be responsible for handling all complaints by employees alleging bullying and/or harassment.

It is the responsibility of the District to develop procedures regarding this regulation. The District is also 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 bullying and/or harassment; what to do in case a student is bullied and/or harassed; and proven effective bullying and/or harassment prevention strategies. The District also will develop a process for evaluating the effectiveness of the policy in reducing bullying and/or harassment in the District. The administration shall report to the Board on the progress of reducing bullying and/or harassment in the District.

The Board will annually publish the regulation. The regulation may be publicized by the following means:

- Inclusion in parent/student handbook,
- Inclusion in the employee handbook
- Inclusion in registration materials
- Inclusion on the school District's website and a copy shall be made available to any person at the central administrative office.

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 (2013).
281 I.A.C. 12.3(6).
Morse v. Frederick, 127 S.Ct. 2618 (2007)

Cross References: 506.6a

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