

Agency Personnel: Harassment or Bullying
Policy # 4123

Date Adopted: April 16, 1984
Date Reviewed: April 20, 1994
Date Modified: January 15, 1997
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To promote a fair, supportive and safe work and school environment, harassment or bullying of individuals is prohibited by federal, state and local policy and shall not be tolerated in the Agency. Agency employees, volunteers and students on Agency property, premises, vehicles or facilities or while engaged in Agency business or present at any Agency function or Agency-sponsored activity shall not engage in harassing or bullying behavior and shall not engage in reprisal, retaliation or false accusation against a victim, witness or an individual who has reliable information about an act of harassment or bullying. (Volunteer means an individual who has regular, significant contact with students.) This policy is also in effect if the misconduct directly affects the good order, efficient management and welfare of the Agency.

The Agency shall take action deemed appropriate to protect individuals from harassment or bullying.

The Agency shall promptly and reasonably investigate allegations of harassment or bullying. The Equity Coordinator or designee shall be responsible for handling all complaints alleging harassment or bullying. Any employee, volunteer or student whose behavior is alleged to be in violation of this policy shall be subject to an investigation procedure under Policy #4122 (allegations by employees), Administrative Regulation #4123B (allegations by students) or Administrative Regulation #4119A (allegations by volunteers), as appropriate.

Any person who promptly, reasonably and in good faith reports an incident of harassment or bullying under this policy to an Agency 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 related to the report.

Retaliation against any person because the person has filed a harassment or bullying complaint or assisted or participated in such an investigation or proceeding is also prohibited. Individuals who knowingly file false harassment or bullying 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 policy.

Harassment or bullying by an Agency employee is misconduct. An employee who violates this policy may be subject to disciplinary action, up to and including termination. A volunteer who violates this policy may be subject to measures up to and including exclusion from Agency property. A student who violates this policy may be disciplined by appropriate measures up to and including suspension and expulsion.

This policy shall be available on the Agency's web site and, at least annually, the policy shall be communicated through the Agency newsletter.

*Legal Reference: Sec 703, Title VII 29 Code of Federal Regulations
Chapter XIV, Section 1604.11*

Agency Personnel: Harassment or Bullying
Administrative Regulation # 4123A

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Harassment against individuals includes unwelcome behavior related to, but not limited to, color, gender, race, national origin, religion, creed, age, sexual orientation, gender identity, marital status, disability, veteran status or as otherwise prohibited by law. Harassment against students also includes bullying, hazing or other victimization of students based on any of the following actual or perceived traits or characteristics, including but 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. Other types of harassment against individuals may include, but not be limited to, sexual harassment, jokes, stories, pictures, objects, verbal or nonverbal communications or actions that are offensive, tend to alarm, annoy, demean, intimidate, abuse, pose a threat of bodily injury or have the purpose or effect of causing injury, discomfort, fear or suffering to the victim(s).

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, or 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 or student's education,
- submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or student's academic performance by creating an intimidating, hostile or offensive environment.

The Agency's complaint procedures provide a constructive means to consider complaints relating to alleged harassment and encourage open dialogue to seek a fair and reasonable solution. (See Administrative Regulation #4122A for allegations by employees, Administrative Regulation #4123B for allegations by students or Administrative Regulation #4119A for allegations by volunteers.) Inquiries or complaints may also be directed to the Equity Coordinator or local, state or federal offices (Policy/Regulation #4121).

Legal Reference: Sec 703, Title VII

Agency Personnel: Harassment or Bullying against Students **Administrative Regulation # 4123B**

Date Adopted: November 13, 2007

Harassment or bullying against students includes any electronic, written, verbal or physical act or conduct toward a student which is based on any 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 person or property;
- 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" 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.

In situations between students and Agency officials, 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; or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Students who feel that they have been harassed should:

- Communicate to the harasser that the student expects the behavior to stop, if the student is comfortable doing so. If the student wants assistance communicating with the harasser, the student should ask a teacher, counselor or administrator 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 administrator; and
 - Write down exactly what happened, keep a copy and give another copy to the teacher, counselor or administrator including:
 - What, when and where it happened;
 - Who was involved;
 - Exactly what was said or what the harasser 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 responded.

Complaint Procedure

Students who believe they have been harassed or bullied shall notify Maria Cashman, the designated investigator. The alternate investigator is Trace Pickering. The investigator may request the individual submit a written complaint and turn over evidence of the harassment, including but not limited to letters, tapes or pictures. The complainant shall be given a copy of the completed complaint. Information received during the investigation is to be kept confidential to the extent possible.

The investigator, with the approval of the individual's supervisor, or the individual's supervisor has the authority to initiate an investigation in the absence of a written complaint.

Investigation Procedure

The investigator shall reasonably and promptly begin 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 in response to the complaint. The investigator may also interview witnesses as deemed appropriate.

Upon completion of the investigation, the investigator shall make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the supervisor.

Resolution of the Complaint

Following receipt of the investigator's report, the supervisor may investigate further, if deemed necessary, and make a determination of any appropriate additional steps that may include discipline.

Prior to the determination of the appropriate remedial action, the supervisor may, at the supervisor's discretion, interview the complainant and the alleged harasser. The supervisor shall file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator shall receive notice as to the conclusion of the investigation. The investigator shall maintain a log of information necessary to comply with the Iowa Department of Education reporting procedures.

Conflicts

If the investigator is a witness to the incident, the alternate investigator shall investigate.

Legal Reference: Sec 703, Title VII