

ANTI-BULLYING/ANTI-HARASSMENT/ANTI-SEXUAL HARASSMENT

The Treynor 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. Bullying and/or harassment of or by students, staff, and volunteers is against federal, state, local policy and is not tolerated by the board. Bullying and/or harassing behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed. Therefore, it is the policy of the state and the school district that school employees, volunteers, and students shall not engage in bullying or harassing behavior in school, on school property, or at any school function or school-sponsored activity.

This policy is in effect while students and staff members are on property within the jurisdiction of the board; while in state-owned or school-operated vehicles; while attending or engaged in school-sponsored activities; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the schools or school district.

**Definitions**

For the purposes of this policy, the defined words shall have the following meaning:

- “Electronic” means any communication involving the transmission of information by wire, radio, optic cable, electromagnetic, or other similar means. “Electronic” includes but is not limited to communication via electronic mail, internet-based communications, pager service, cell phones, and electronic text messaging.
- “Harassment” and “bullying” shall mean any electronic, written, verbal, or physical act or conduct toward a student based on the individual’s actual or perceived 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, and which creates an objectively hostile school environment that meets one or more of the following conditions:
  1. Places the student in reasonable fear of harm to the student’s person or property.
  2. Has a substantial detrimental effect on the student’s physical or mental health.
  3. Has the effect of substantially interfering with a student’s academic performance.
  4. 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.
- “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.
- “Sexual Harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- “Volunteer” means an individual who has regular, significant contact with students.

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**Filing a Complaint**

A Complainant who wishes to avail himself/herself of this procedure may do so by filing a complaint with the building principal, the designated investigator. The alternate investigator is the superintendent. Complaints shall be filed within 180 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The Complainant shall receive assistance as needed.

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 an act of bullying or harassment.

A school employee, volunteer, student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of bullying or harassment, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

Individuals who knowingly file false bullying or harassment complaints and any person who gives false statements in an investigation may be subject to discipline by appropriate measures, as shall any person who is found to have retaliated against another in violation of this policy. Any student found to have retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. 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.

**Investigation**

The school district will promptly and reasonably investigate allegations of bullying or harassment. The building principal (hereinafter "Investigator") will be responsible for handling all complaints alleging bullying or harassment. The alternate investigator is the superintendent. The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes bullying or harassment. The superintendent or the superintendent's designee shall also be responsible for developing procedures regarding this policy.

**Decision**

If after an investigation a student is found to be in violation of this policy, the student shall be disciplined by appropriate measure up to, and including, suspension and expulsion. If after an investigation a school employee is found to be in violation of this policy, the employee shall be disciplined by appropriate measures, which may include termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures, which may include exclusion from school grounds.

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**Appeals**

The complaint is closed after the investigator has reached a decision, unless within 10 working days after receiving the decision, either party appeals the decision to the superintendent by making a written request detailing why he/she believes the decision should be reconsidered. The investigator shall promptly forward all materials relative to the complaint and appeal to the superintendent. Within 30 working days, the superintendent shall affirm, reverse, amend the decision, or direct the investigator to gather additional information. The superintendent shall notify the Complainant, Respondent, and the investigator of the decision within 5 working days of the decision. If the Complainant is not satisfied with the superintendent's decision, the Complainant can file an appeal with the board within 5 working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal.

**Other Rights**

This procedure in no way denies the right of the grievant to file a complaint with the Iowa Civil Rights Commission, the Iowa Department of Education, the U.S. Department of Education Office for Civil Rights or Office of Special Education Programs, the Equal Employment Opportunity Commission, or to seek private counsel for complaints against harassment, bullying, or discrimination.

**Policy Review**

Administrators will review the Anti-Bullying/Anti-Harassment/Anti-Sexual Harassment Policy annually with their staff.

**Publication of Policy**

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook,
- Inclusion in the registration materials,
- Inclusion on the school or school district's web site,
- (other) \_\_\_\_\_.

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. §§ 12101 *et. seq.* (2004)  
                                  Iowa Code §§ 216.9; 280.3. (2007)  
                                  281 I.A.C. 12.3(6).  
                                  Senate File 61, 1<sup>st</sup> Regular Session, 82<sup>nd</sup> General Assembly (2007)  
                                  *Morse v. Frederick*, 551 U.S. 393 (2007)

Cross References:      103      Equal Educational Opportunity  
                                  403.5    Employee Harassment  
                                  502      Student Rights and Responsibilities  
                                  503      Student Discipline  
                                  506      Education Records of Students

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