

## ANTI-BULLYING/HARASSMENT POLICY

The New Hampton Community School District is committed to providing all students, employees, and volunteers with a safe and civil school environment in which all members of the school community are treated with dignity and respect. 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.

Bullying and/or harassment of or by students, employees, and volunteers is against federal, state, and local policy and is not tolerated by the board.

Accordingly, school employees, volunteers, and students shall not engage in bullying or harassing behavior while on school property, while on school-owned or school-operated vehicles, while attending or participating in school-sponsored or sanctioned activities, and while away from school grounds if the conduct materially interferes with the orderly operation of the educational environment or is likely to do so.

Complaints may be filed with the superintendent or superintendent's designee pursuant to the regulation accompanying this policy. The superintendent is responsible for implementation of this policy and all accompanying procedures. Complaints will be investigated within a reasonable time frame. Within 24 hours of receiving a report that a student may have been the victim of conduct that constitutes bullying and/or harassment, the district will notify the parent or guardian of the student.

If as a result of viewing surveillance system data or based on a report from a school district employee, the district determines that a student has suffered bullying or harassment by another student enrolled in the district, a parent or guardian of the student may enroll the student in another attendance center within the district that offers classes at the student's grade level, subject to the requirements and limitations established in Iowa law related to this topic.

A school employee, volunteer, or 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 regulation, 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.

### **Retaliation Prohibited**

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.

Any student found to have violated or retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have violated or retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have violated or retaliated in violation of this policy shall be subject to measures up to, and including, removal from service

and exclusion from school grounds.

### **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” mean any repeated or potentially repeated electronic, written, verbal, or physical act or other ongoing conduct toward an individual based on any trait or characteristic of the individual which creates an objectively hostile school environment that meets one or more of the following conditions:
  1. Places the individual in reasonable fear of harm to the individual’s person or property.
  2. Has a substantial detrimental effect on the individual’s physical or mental health.
  3. Has the effect of substantially interfering with the individual’s academic or career performance. Has the effect of substantially interfering with the individual’s ability to participate in or benefit from the services, activities, or privileges provided by a school.
- “Trait or characteristic of the individual” 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.
- “Volunteer” means an individual who has regular, significant contact with students.

### **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,

***NOTE: This is a mandatory policy. School districts are required to collect and report data regarding instances of bullying and harassment as required by law.***

***NOTE: Some conduct that falls under a school’s anti-bullying/anti-harassment policy also may trigger responsibilities under one or more of the federal and state antidiscrimination laws. By limiting the response to a specific application of its anti-bullying/anti-harassment disciplinary policy and the accompanying procedures, a school may fail to properly consider whether the alleged conduct also results in discriminatory bullying and/or harassment.***

Legal Reference: 20 U.S.C. §§ 1221-1234i.  
 29 U.S.C. § 794.  
 42 U.S.C. §§ 2000d-2000d-7.  
 42 U.S.C. §§ 12101 2et. seq.  
 Iowa Code §§ 216.9; 279.82; 280.3; .28;  
 281 I.A.C. 12.3(6).  
Morse v. Frederick, 551 U.S. 393 (2007)

<b>I.C. Iowa Code</b>	<b>Description</b>
Iowa Code § 216.9	<a href="#">Unfair/Discriminatory Practices</a>
Iowa Code § 280.28	<a href="#">Harassment and Bullying Prohibited</a>
Iowa Code § 280.3	<a href="#">Education Program - Attendance Center Requirements</a>
Iowa Code § 279.82	<a href="#">Intra-District Enrollment</a>
<b>I.A.C. Iowa Administrative Code</b>	<b>Description</b>
281 I.A.C. 12.3	<a href="#">Administration</a>
<b>U.S.C. - United States Code</b>	<b>Description</b>
20 U.S.C. §§ 1221	<a href="#">Education - FERPA - General Provisions</a>
29 U.S.C. §§ 794	<a href="#">Labor - Vocation Rehab Rights</a>
42 U.S.C. § 12101	<a href="#">Public Health - Equal Opportunity - Disabilities</a>
42 U.S.C. § 2000d	<a href="#">Public Health - Civil Rights - Federally Programs</a>
<b>U.S. Supreme Court</b>	<b>Description</b>
551 U.S. 393	<a href="#">Morse v Frederick (2007)</a>
<b>Case Law</b>	<b>Description</b>
Morse v. Frederick	551 U.S. 393 (2007)
<b>Cross References</b>	
<b>Code</b>	<b>Description</b>
102	<a href="#">Equal Educational Opportunity</a>
102-R(1)	<a href="#">Equal Educational Opportunity - Grievance Procedure</a>
102-E(1)	<a href="#">Equal Educational Opportunity - Annual Notice of Nondiscrimination</a>
102-E(2)	<a href="#">Equal Educational Opportunity - Continuous Notice of Nondiscrimination</a>
102-E(3)	<a href="#">Equal Educational Opportunity - Notice of Section 504 Student and Parental Rights</a>
102-E(4)	<a href="#">Equal Educational Opportunity - Discrimination Complaint Form</a>
102-E(5)	<a href="#">Equal Educational Opportunity - Witness Disclosure Form</a>
401.01	<a href="#">Equal Employment Opportunity</a>
402.03	<a href="#">Abuse of Students by School District Employees</a>
404	<a href="#">Employee Conduct and Appearance</a>
404-R(1)	<a href="#">Employee Conduct and Appearance - Code of Professional Conduct and Ethics Regulation</a>
404-R(2)	<a href="#">Employee Conduct and Appearance - Code of Rights and Responsibilities Regulation</a>
604.11	<a href="#">Appropriate Use of Online Learning Platforms</a>
605.06	<a href="#">Internet - Appropriate Use</a>

605.06-R(1)	<a href="#"><u>Internet - Appropriate Use - Regulation</u></a>
605.06-E(1)	<a href="#"><u>Internet - Appropriate Use - Internet Access Permission Letter to Parents</u></a>
605.06-E(2)	<a href="#"><u>Internet - Appropriate Use - Violation Notice</u></a>
605.08	<a href="#"><u>Artificial Intelligence int the Educational Environment</u></a>
605.08-R(1)	<a href="#"><u>Artificial Intelligence int the Educational Environment - Regulation</u></a>
713	<a href="#"><u>Responsible Technology Use &amp; Social Networking</u></a>
713-R(1)	<a href="#"><u>Responsible Technology Use &amp; Social Networking - Regulation</u></a>

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## ANTI-BULLYING/HARASSMENT POLICY--INVESTIGATION

### **Filing a Complaint**

An individual who believes that the individual has been harassed or bullied may file a complaint with the superintendent or superintendent's designee. The complaint form is available in any building office or on the school website. If the complainant is a school employee, after filing the complaint with the superintendent or superintendent's designee, the employee may separately notify the parent or guardian of the student alleged to have been harassed or bullied.

An alternate investigator will be designated in the event it is claimed that the superintendent or superintendent's designee committed the alleged bullying or harassment or some other conflict of interest exists. Complaints shall be filed within *[state number of days - 180]* 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.

### **Investigation**

The school district will promptly and reasonably investigate allegations of bullying or harassment upon receipt of a written complaint. The superintendent or his/her designee, (hereinafter "Investigator") will be responsible for handling all complaints alleging bullying or harassment.

The investigation may include, but is not limited to the following:

- Interviews with the Complainant and the individual named in the complaint ("Respondent")
- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the Respondent to provide a written statement;
- Interviews with witnesses identified during the course of the investigation;
- A request for witnesses identified during the course of the investigation to provide a written statement; and
- Review and collection of documentation or information deemed relevant to the investigation.

The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes bullying or harassment as defined in Board policy. Upon completion of the investigation, the Investigator shall issue a report with respect to the findings, and provide a copy of the report to the appropriate building principal or Superintendent if the investigation involved the building principal

The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. Similarly, evidence uncovered in the investigation shall be kept confidential to the extent reasonably possible.

## Decision

The investigator, building principal or superintendent, depending on the individuals involved, shall inform the Complainant and the accused about the outcome of the investigation. If, after an investigation, a student is found to be in violation of the policy, the student shall be disciplined by appropriate measures, which may include 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.

Individuals who knowingly file false bullying and/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.

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Legal Reference: Iowa Code §§ 274.1, .2, .6, .7; 278.1(9); 279.8; 594A (2005).

Cross Reference: 200 Legal Status of the Board of Directors

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