

ANTI-BULLYING/HARASSMENT POLICY

Harassment and bullying of students and employees are against federal, state and local policy, and are not tolerated by the board. The board is committed to providing all students with a safe and civil school environment in which all members of the Great Prairie Area Education Agency community are treated with dignity and respect. To that end, the board has in place policies, procedures, and practices that are designed to reduce and eliminate bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students by other students, by agency employees, and by volunteers who have direct contact with students will not be tolerated in Great Prairie Area Education Agency.

The board prohibits harassment, bullying, hazing, or any 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. Harassment against employees based upon the employee's race, color, creed, sex, sexual orientation, gender identity, national origin, religion, age or disability is also prohibited.

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

If after an investigation a student is found to be in violation of this policy, the student shall be disciplined by appropriate measures which may include suspension or expulsion. If after an investigation an agency 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 an agency volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures which may include exclusion from agency and school district property. "Volunteer" means an individual who has regular, significant contact with students.

When looking at the totality of the circumstances, harassment and bullying mean 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 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 the agency.

"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.

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

- Repeated remarks of a demeaning nature;
- Implied or explicit threats concerning one's grades, achievements, property, etc.;
- Demeaning jokes, stories, or activities directed at the student; and/or
- Unreasonable interference with a student's performance.

Sexual harassment of a student by an employee 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 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 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 agency programs or activities; and/or
- Requiring submission to or rejection of such conduct as a basis for decisions affecting the student.

Any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment 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 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 or harassment complaint or assisted or participated in a harassment investigation or proceeding, is also prohibited. Individuals who knowingly file false 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 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 agency employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any agency volunteer found to have retaliated in violation of this policy shall be subject to measures up to, and including, exclusion from school and agency property.

The Great Prairie Area Education Agency will promptly and reasonably investigate allegations of bullying or harassment. The Director of Special Education, Director of Instructional Services or designees will be responsible for handling all complaints by students alleging bullying or harassment. The Human Resources Director will be responsible for handling all complaints by employees alleging harassment.

ANTI-BULLYING/HARASSMENT POLICY

It also is the responsibility of the Chief Administrator, in conjunction with the investigators and Human Resources Director, to develop procedures regarding this policy.

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

- Inclusion in the employee handbook
- Inclusion on the agency's web site;

and a copy shall be made to any person at the primary administrative offices at:

2814 North Court Street
Ottumwa, IA 52501-1163

3601 West Avenue Road
Burlington, IA 52601

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).
Morse v. Frederick, 127 S.Ct. 2618 (2007)

Cross References:

502 Student Rights and Responsibilities
503 Student Discipline
506 Student Records

Adopted: March 26, 2007

Reviewed: February 12, 2008

Revised: February 12, 2008

ANTI-BULLYING/HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Name of student or
employee target: _____

Date of complaint: _____

Name of alleged harasser or bully: _____

Date and place of incident
or incidents: _____

Nature of Discrimination or Harassment Alleged (Check all that apply)

<input type="checkbox"/>	Age	<input type="checkbox"/>	Physical Attribute	<input type="checkbox"/>	Sex
<input type="checkbox"/>	Disability	<input type="checkbox"/>	Physical/Mental Ability	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Familial Status	<input type="checkbox"/>	Political Belief	<input type="checkbox"/>	Socio-economic Background
<input type="checkbox"/>	Gender Identity	<input type="checkbox"/>	Political Party Preference	<input type="checkbox"/>	Other – Please Specify:
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Race/Color	<input type="checkbox"/>	
<input type="checkbox"/>	National Origin/Ethnic Background/Ancestry	<input type="checkbox"/>	Religion/Creed	<input type="checkbox"/>	

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible):

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: ____ / ____ / ____

ANTI-BULLYING/HARASSMENT WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony, interview: _____

Description of incident witnessed: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: ____ / ____ / ____

DISPOSITION OF ANTI-BULLYING/HARASSMENT COMPLAINT FORM

Name of complainant: _____

Name of student or employee target: _____

Program of student or employee location: _____

Name and program of alleged perpetrator /respondent: _____

Date of initial complaint: _____

Nature of discrimination or harassment alleged (Check all that apply)

<input type="checkbox"/>	Age	<input type="checkbox"/>	Physical Attribute	<input type="checkbox"/>	Sex
<input type="checkbox"/>	Disability	<input type="checkbox"/>	Physical/Mental Ability	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Familial Status	<input type="checkbox"/>	Political Belief	<input type="checkbox"/>	Socio-economic Background
<input type="checkbox"/>	Gender Identity	<input type="checkbox"/>	Political Party Preference	<input type="checkbox"/>	Other – Please Specify:
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Race/Color		
<input type="checkbox"/>	National Origin/Ethnic Background/Ancestry	<input type="checkbox"/>	Religion/Creed		

Summary of investigation: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature : _____

Date: / / _____

ANTI-BULLYING/HARASSMENT INVESTIGATION PROCEDURES

Individuals who feel that they have been harassed should:

- Communicate to the harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser, the individual should ask a teacher, supervisor, etc. to help.
- If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:
 - If a student; tell a teacher, agency employee, school district administrator or other supervisory personnel at a juvenile detention center, shelter home or prison facility;
If an agency employee; tell your direct supervisor; and;
 - write down exactly what happened, keep a copy and give another copy to the teacher, agency employee, school district administrator, other supervisory personnel or direct supervisor, 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 harasser said or did, either at the time or later;
 - how the student or agency employee felt; and
 - how the harasser responded.

COMPLAINT PROCEDURE

Students who believe they have been harassed or bullied will notify a teacher, agency employee, school district administrator or other supervisory personnel to obtain a copy of the Harassment/Bullying Complaint form. The completed form must be sent to the Director of Special Education or Director of Instructional Services, depending on the program involved. These positions represent the designated investigators. Agency employees will notify the human resources director, the designated investigator. The investigator may request that the individual complete the Harassment/Bullying Complaint form 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 form. Information received during the investigation is kept confidential to the extent possible.

The investigators, with the approval of the Chief Administrator, or the Chief Administrator have the authority to initiate an 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. 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 will make written findings and conclusions as to each allegation of harassment and report the findings and conclusions to the Chief Administrator.

ANTI-BULLYING/HARASSMENT INVESTIGATION PROCEDURES

RESOLUTION OF THE COMPLAINT

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

Prior to the determination of the appropriate remedial action, the Chief Administrator may, at the Chief Administrator's discretion, interview the complainant and the alleged harasser. The Chief Administrator will 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 will receive notice as to the conclusion of the investigation. The Director of Special Education or Director of Instructional Services will maintain a log of information necessary to comply with Iowa Department of Education reporting procedures if a student is involved.

POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

CONFLICTS

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