

104 Anti-Bullying/Anti-Harassment Policy 9-18-17

The Colfax-Mingo 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, and 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.

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) Place(s) 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.

“Volunteer” means an individual who has regular, significant contact with students.

Filing a Complaint

A Complainant who wishes to avail himself/herself of this procedure may do so by filing a complaint with the superintendent or superintendent’s designee. An alternate will be designated in the event it is claimed that the superintendent or superintendent’s designee committed the alleged discrimination or some other conflict of interest exists. 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.

Investigation

The school district will promptly and reasonably investigate allegations of bullying or harassment. The Superintendent (hereinafter “Investigator”) will be responsible for handling all complaints alleging bullying or harassment. 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 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.

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 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.

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 website,
(other) _____

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Legal References:

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; 280.28; 280.3. 281 I.A.C. 12.3(6).

Morse v. Frederick, 551 U.S. 393 (2007)

Cross References: 102

502 Student Rights and Responsibilities

Date of Adoption:

December 1, 1997

Reviewed & Revised:

February 7, 2000 May 21, 2001 March 7, 2006 January 18, 2010 September 18, 2017

104E1 Complaint Form (Discrimination, Anti-Bullying, and Anti-Harassment) 9-18-17

Date of complaint: Name of Complainant:

Are you filling out this form for yourself or someone else (please identify the individual if you are submitting on behalf of someone else):

Who or what entity do you believe discriminated against, harassed, or bullied you (or someone else)?

Date and place of alleged incident(s):

Names of any witnesses (if any):

COMPLAINT FORM Code No. 104.E1 (Discrimination, Anti-Bullying, and Anti-Harassment)

_____ Nature of discrimination, harassment, or bullying alleged (check all that apply):

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

In the space below, please describe what happened and why you believe that you or someone else has been discriminated against, harassed, or bullied. Please be as specific as possible and attach additional pages if necessary.

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

Signature: _____ Date: _____ 9/17

104E2 Witness Disclosure Form 9-18-17

Name of Witness:

Date of interview:

Date of initial complaint:

Name of Complainant (include whether the Complainant is a student or employee):

Date and place of alleged incident(s):

WITNESS DISCLOSURE FORM Code No. 104.E2

Nature of discrimination, harassment, or bullying alleged (check all that apply):

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

Description of the incident witnessed:

Additional information:

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

Signature: _____ Date: _____ 9/17

104E3 Disposition of Complaint Form 9-18-17

Date:

Date of initial complaint:

Name of Complainant (include whether the Complainant is a student or employee):

Date and place of alleged incident(s):

Name of Respondent (include whether the Respondent is a student or employee):

DISPOSITION OF COMPLAINT FORM Code No. 104.E3

Nature of discrimination, harassment, or bullying alleged (check all that apply):

| | | | | | |
|--|--|--|----------------------------|--|---------------------------|
| | Age | | Physical Attribute | | Sex |
| | Disability | | Physical/Mental Ability | | Sexual Orientation |
| | Familial Status | | Political Belief | | Socio-economic Background |
| | Gender Identity | | Political Party Preference | | Other – Please Specify: |
| | Marital Status | | Race/Color | | |
| | National Origin/Ethnic Background/Ancestry | | 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: _____ 9/17

104R1 Anti-Bullying/Anti-Harassment Investigation Procedures 9-18-17

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- (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.

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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.

Code No. 104 R1

Investigation

The school district will promptly and reasonably investigate allegations of bullying or harassment. The Superintendent. (hereinafter “Investigator”) will be responsible for handling all complaints alleging bullying or harassment.

If the Complainant is under 18 years of age, the Investigator shall notify his or her parent(s)/guardian(s) that they may attend investigatory meetings in which the Complainant is involved. 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.

The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes bullying or harassment. Upon completion of the investigation, the Investigator shall issue a report with respect to the findings.

Decision

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.

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 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 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.

Date of Adoption:

September 18, 2017