

ANTI-BULLYING/ANTI-HARASSMENT POLICY

The Waterloo Community School District is committed to providing all students, staff, and adults 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 students and adults 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) 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.
- “Sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
- “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.
- “Adult” means an individual who may be a parent, volunteer, vendor, visitor, patron, or Board member

Filing a Complaint

A student who alleges a complaint may first attempt to resolve the problem by discussing it with the building administrator. The building administrator may notify the actor of the problem. If the problem cannot be solved, the student may wish to avail themselves of this procedure by filing a complaint with the Executive Director of Student Services. An alternate will be designated in the event it is claimed that the Executive Director of Student Services 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 student could reasonably become aware of such occurrence. The student will state the nature of the complaint and the remedy requested. The student shall receive assistance as needed.

An employee or adult who wishes to avail themselves of this procedure may do so by filing a complaint with the Chief Officer of Human Resources and Equity. An alternate will be designated in the event it is claimed that the Chief Officer of Human Resources and Equity 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 employee or adult could reasonably become aware of such occurrence. The employee or adult will state the nature of the complaint and the remedy requested. The employee or adult shall receive assistance as needed.

School employees, adults, 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 Executive Director for Student Service will be responsible for handling all complaints alleging bullying or harassment involving students. The Chief Officer of Human Resources and Equity will be responsible for handling all complaints alleging bullying or harassment involving adults. 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. The Executive Director for Student Services and the Chief Officer of Human Resources shall also be responsible for developing procedures regarding this policy for students, employees, and adults.

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 an adult is found to be in violation of this policy, the adult shall be subject to appropriate measures, which may include exclusion from school grounds.

A school employee, adult, 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 adult 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 web site,
- Inclusion into the comprehensive school improvement plan

Legal Ref: 20 U.S.C. §§ 1221-1234i.
 29 U.S.C. § 794.
 42 U.S.C. §§ 2000d-2000d-7.
 42 U.S.C. §§ 12101 *et. 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 Ref: 103.0 Nondiscrimination
 104.0 Equal Education Opportunity
 402.4-E1 Complaint Form
 503.2 Student Nondiscrimination Policy
 503.3 Student Grievance Policy
 504.3 Student Conduct Code

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