

### **Anti-Harassment/Bullying**

Harassment and bullying of students and staff members are against federal, state and local policy, and are not tolerated by the school district. The Dubuque Community School District is committed to providing all students and staff members with a safe and civil school environment in which all members of the school 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 harassment and bullying as well as processes and procedures to deal with incidents of harassment and bullying. Harassment and bullying of students and staff members by students, staff, and volunteers who have direct contact with students and staff members will not be tolerated in the schools or school district.

The district prohibits harassment, bullying, hazing, initiations, or any other victimization, of students and staff members, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status.

This policy is in effect while students and staff members are on property within the jurisdiction of the board before, during and after school hours; while in school-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.

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, a staff member is found to be in violation of this policy, the staff member 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 up to, and including, exclusion from schools and school grounds. "Volunteer" means an individual who has regular, significant contact with students and staff members.

When looking at the totality of the circumstances, harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student or staff member which is based on any actual or perceived trait or characteristic of the student or staff member and which creates an objectively hostile school environment that meets one or more of the following conditions:

- Places the student or staff member in reasonable fear of harm to the student's or staff member's person or property;
- Has a substantially detrimental effect on the student's or staff member'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 or staff member's ability to participate in or benefit from the services, activities, or privileges provided by a school or school district.

“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.

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

- Hazing, initiations or any other victimization
- 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/staff
- Unreasonable interference with a student's or staff member's performance

Sexual harassment 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 or staff member'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;
- Submission to the conduct is an explicit term or condition of employment;
- Submission to or rejection of the conduct is used as the basis for an employment decision;
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

In situations between students, staff members, or volunteers who have direct contact with students, harassment and bullying may also include the following behaviors:

- Requiring that a student submit to harassment or bullying by another student, either explicitly or implicitly, as a term or condition of the targeted student's education or participation in school 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 harassment or bullying under this policy to a staff member 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 harassment or bullying complaint or assisted or participated in a harassment or bullying investigation or proceeding, is also prohibited. Individuals who knowingly file false harassment or bullying 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 staff member 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 schools and school grounds.

The school or school district will promptly and impartially investigate allegations of harassment and bullying of which it has notice using a preponderance of evidence standard. The superintendent or designee will be responsible for handling all complaints by students alleging harassment or bullying. The superintendent or designee will be responsible for handling all complaints by staff members alleging harassment.

It also is the responsibility of the superintendent to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, staff members, and volunteers who have direct contact with students and staff members. The training will include how to recognize harassment or bullying and what to do in case a student or staff is harassed or bullied. It will also include proven effective anti-harassment/bullying strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing harassment and bullying.

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

- Inclusion in our student handbooks,
- Inclusion in our staff handbooks,
- Inclusion in our registration materials,
- Inclusion on our schools' and school district's web site,

and a copy shall be made to any person at The Forum at 2300 Chaney Road.

Adopted: May 23, 1977  
Revised: November 11, 2013  
Reviewed: October 23, 2017

Legal References:  
Iowa Code §§ 280.28

**ANTI-HARASSMENT/BULLYING INVESTIGATION PROCEDURES**

Individuals who feel that they have been harassed or bullied should:

- Communicate to the harasser or bully that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the harasser or bully, the individual should ask a staff member for help.
- If the harassment or bullying does not stop, or the individual does not feel comfortable confronting the harasser or bully, the individual should:
  - tell a staff member; and
  - write down exactly what happened, keep a copy and give another copy to the staff member including;
    - what, when and where it happened;
    - who was involved;
    - exactly what was said or what the harasser or bully did;
    - witnesses to the harassment or bullying;
    - what the student or staff member said or did, either at the time or later;
    - how the student or staff member felt; and
    - how the harasser or bully responded.

**INCIDENT REPORT PROCEDURE**

An individual who believes that she or he has been harassed or bullied is strongly encouraged to immediately notify the Superintendent's designee. The alternate investigator is also a Superintendent's designee. An employee who observed bullying or harassing behavior or receives notice that a student may have been the subject of bullying or harassing behavior shall immediately report the incident to his or her building administrator. The investigator may request that the individual complete the Anti-Harassment/Bullying/Discrimination Incident Report Form and turn over evidence of the harassment or bullying, including, but not limited to, emails, electronic messages, letters, tapes, or pictures. All forms for reporting bullying/harassment can be accessed on the district website, upon request at all district buildings or from the district office. The complainant and the accused's confidentiality will be

respected to the extent possible, but confidentiality cannot be guaranteed given the necessity of the district to investigate the allegations of misconduct.

The investigator, with the approval of the principal or immediate supervisor, have the authority to initiate an investigation in the absence of a written complaint.

#### INVESTIGATION PROCEDURE

The investigator will promptly and impartially commence the investigation upon receipt of the complaint. The investigator will interview the complainant and the alleged harasser or bully. The alleged harasser or bully may file a written statement in response to the complaint. The investigator may also interview witnesses as deemed appropriate.

The investigator will consider the totality of the circumstances presented in determining whether conduct constitutes bullying or harassment. The investigator will examine the context, nature, scope, frequency, duration, history and location of incidents in his/her investigation. Upon completion of the investigation, the investigator will make written findings and conclusions as to each allegation of harassment or bullying and report the findings and conclusions to the principal or immediate supervisor. The investigator will provide a copy of the findings of the investigation to the principal or immediate supervisor.

District employees, students, parents/guardians, and volunteers shall fully and fairly cooperate in the investigation. The district will take action to stop the harassment, remedy the harassment, prevent recurrence and provide appropriate interim measures to protect the complainant (including counseling or other resources), if necessary.

#### RESOLUTION OF THE COMPLAINT

Following receipt of the investigator's report, the principal or immediate supervisor 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 principal or immediate supervisor may interview the complainant and the alleged harasser or bully. The principal or immediate supervisor 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 or bully and the investigator will receive notice as to the conclusion of the investigation. The principal or immediate supervisor will maintain a log of information necessary to comply with Iowa Department of Education reporting procedures.

In the event of founded cases, the Dubuque Community School District will take steps to prevent the reoccurrence of any discrimination and will take necessary measures to correct its discriminatory effects on the complainant.

#### 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, expulsion, or termination.

#### CONFLICTS

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

## **ANTI-HARASSMENT/BULLYING/DISCRIMINATION GRIEVANCE PROCEDURE LEVEL ONE – Principal or Immediate Supervisor**

Students, parents of students, staff and applicants for employment in the school district will have the right to file a formal complaint alleging harassment, bullying, or discrimination under federal or state regulations requiring anti-harassment, bullying, and discrimination policies, programs, and employment.

A student, or a parent of a student, with a complaint of harassment, bullying, or discrimination based upon their age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status are encouraged to discuss it with a staff member directly involved.

Staff with a complaint of harassment, bullying, or discrimination based upon their age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status are encourage to discuss it with their immediate supervisor, with the objective of resolving the matter informally.

An applicant for employment with a complaint of discrimination based upon their age, ancestry, color, creed, familial status, gender identity, marital status, national origin, physical attributes, physical or mental ability or disability, political belief, political party preference, race, religion, sex, sexual orientation, or socioeconomic status are encouraged to first discuss it with the Executive Director of Human Resource Services.

Level One may include an informal process to resolve the situation. The complainant and alleged harasser or bully will be given the option of seeking a voluntary resolution of the incident. The process for voluntary resolution may include mediation and will only be exercised if both parties agree. If the informal process is not satisfactory to the complainant, he/she can end the process at any time. This informal process may be skipped if the allegation is sexual violence as mediation is not an advised process for the resolution of such cases.

### **LEVEL TWO – Superintendent’s designee**

If the complaint is not resolved at LEVEL ONE to the complainant’s satisfaction, the complainant may pursue the matter by filing a LEVEL TWO Anti-Harassment/Bullying/Discrimination Incident Report Form with the Superintendent’s designee within twenty (20) working days of the resolution at LEVEL ONE. The complainant may request a meeting with the Superintendent’s designee and may be accompanied by a family member, colleague, or legal



counsel. The Superintendent's designee shall then investigate the complaint and attempt to resolve it.

During the process of investigation and resolution, the alleged offender and target have the following rights:

- The right to a prompt, fair, and impartial investigation and resolution once notice of an incident is received.
- Investigations and resolutions of these cases shall proceed regardless of any criminal investigation or proceeding. However, a school investigation may be temporarily postponed while law enforcement gathers evidence, then should be promptly resumed and completed. Any postponements or extensions will be communicated to the complainant and respondent. In the case of a postponement, accommodations to alleviate any negative consequences of the incident or investigation will be offered to alleged target.
- The alleged offender and target will have equal opportunity to participate in the investigation. This includes, but is not limited to, submitting evidence and witness statements.
- The alleged offender and target will be notified in writing of the outcome of the investigation.
- Both parties are provided equal appeal rights to move on to Level Three, as appropriate.

The Superintendent's designee shall, within fifteen (15) working days of receiving the complaint, unless extenuating circumstances prevent otherwise, file a written report with the Superintendent setting forth the Superintendent designee's resolution of the matter. Extenuating circumstances may include, but are not limited to, the unavailability of witnesses (including complainant or accused) within the time frames provided or the scope and/or severity of the complaint requires additional time for investigation.

#### LEVEL THREE – Superintendent

If the complaint is not resolved at LEVEL TWO to the complainant's satisfaction, the complainant may pursue the matter by filing a LEVEL THREE Anti-Harassment/Bullying/Discrimination Incident Report Form with the Superintendent within ten (10) working days of the resolution at LEVEL TWO. The complainant may request a meeting with the Superintendent and may be accompanied by a family member, colleague, or legal counsel, although the Superintendent shall not be required to hold such a meeting. The

Superintendent or his or her designee shall review the investigation performed at LEVELS ONE and TWO and may, if he or she deems necessary, order or conduct further investigation into the matter. The Superintendent shall, within fifteen (15) working days of receiving the complaint unless extenuating circumstances prevent otherwise, file a written decision resolving the matter.

#### LEVEL FOUR – School Board

If the complainant is not satisfied with the Superintendent’s decision, the complainant can file an appeal with the school board within five (5) working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal. The decision of the school board will be considered final.

This procedure in no way denies the right of the complainant to file a complaint with the Dubuque Human Rights Commission, 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.

All questions regarding these procedures should be directed to:

Stan Rheingans  
Superintendent of Schools  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3000  
[srheingans@dbqschools.org](mailto:srheingans@dbqschools.org)

504 questions should be directed to:

Mae Hingtgen  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3000  
[mhingtgen@dbqschools.org](mailto:mhingtgen@dbqschools.org)

Title II questions and complaints should be directed to:

Shirley Horstman  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3000  
[shorstman@dbqschools.org](mailto:shorstman@dbqschools.org)

Further information may be posted on the district’s web site: [www.dbqschools.org](http://www.dbqschools.org).