

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

The Dubuque 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. 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.

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. School employees, volunteers, and students shall not engage in bullying or harassing behavior 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. Complaints will be investigated within a reasonable time frame. 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.

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 or 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 will be publicized by the following means:

- Inclusion in the parent/student handbook
- Inclusion in the annual policy notification to staff
- Inclusion on the school or school district’s web site
- Available upon request at the Forum, 2300 Chaney Road
- Informational materials distributed and posted in schools

Adopted: May 23, 1977

Revised: November 11, 2013

Reviewed: October 23, 2017

Revised: June 8, 2020

## ANTI-BULLYING/ANTI-HARASSMENT 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.

### **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 on the Dubuque Community Schools website, upon request at all district buildings, or from the district office. 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 ten (10) 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.

### **Investigation**

The school district will promptly and reasonably investigate allegations of bullying or harassment upon receipt of a formal complaint. The Superintendent or the Superintendent's designee (hereinafter "investigator") will be responsible for handling all complaints alleging bullying or harassment. The investigator, with the approval of the principal or immediate supervisor, has the authority to initiate an investigation in the absence of a written complaint.

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

- Interviews with the complainant (and the target if a complaint was made on behalf of the target) and the individual named in the complaint ("respondent");
- A request for the complainant and/or the target 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/target, 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.

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.

It is the responsibility of the Superintendent or designee to develop procedures regarding this policy. The Superintendent or designee 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/anti-bullying strategies. The Superintendent or designee will also develop a process for evaluating the effectiveness of the policy in reducing harassment and bullying.

### **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.

## **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 encouraged 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 Chief Human Resources Officer.

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~~ **the complainant** 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 notifying the Superintendent's designee in writing within ten (10) 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 respondent and target have the following rights:

- The respondent and target will have 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 respondent and target will have equal opportunity to participate in the investigation. This includes, but is not limited to, submitting evidence and witness statements.
- The respondent 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 ten (10) 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 notifying the Superintendent in writing 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 ten (10) 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:

Amy Hawkins  
Superintendent of Schools  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3012  
[ahawkins@dbqschools.org](mailto:ahawkins@dbqschools.org)

Bullying & Harassment:

Mimi Holesinger  
Director of Behavior and Learning Supports  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3105  
[mholesinger@dbqschools.org](mailto:mholesinger@dbqschools.org)

504 Plan/Title II questions and complaints:

Shirley Horstman  
Executive Director of Student Services  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563) 552-3095  
[shortman@dbqschools.org](mailto:shortman@dbqschools.org)

Employee questions:

Brian Kuhle  
Chief Human Resources Officer  
2300 Chaney Road  
Dubuque, Iowa 52001  
(563)552-3000  
[bkuhle@dbqschools.org](mailto:bkuhle@dbqschools.org)

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