

## STUDENT TO STUDENT HARASSMENT

### I. GENERAL STATEMENT OF POLICY

It is the policy of the Keokuk Community School District (the "District") to maintain a learning environment that is free from harassment on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity. The District prohibits any and all forms of harassment because of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity.

It shall be a violation of this policy for any student, teacher, administrator, or other school personnel of the District to harass a student through conduct or communication of a sexual nature or regarding age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity, as defined by this policy. (For purposes of this policy, school personnel include Board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District).

It shall also be a violation of this policy for any teacher, administrator or other school personnel of this District to tolerate sexual harassment or harassment because of a student's age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability in any program or activity by a student, teacher, administrator, other school personnel, or by any third parties who are participating in, observing, or otherwise engaging in activities under the direction of the District.

The District will act to promptly investigate all complaints, either formal or informal, verbal or written, of harassment and to promptly take appropriate action to protect individuals from further harassment. If the District determines that unlawful harassment has occurred, it shall promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, and/or take other appropriate action reasonably calculated to end the harassment.

### II. DEFINITIONS

A. Sexual Harassment: Sexual harassment of a student consists of unwelcome and unsolicited sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal, physical, or written conduct or communication of a sexual nature when:

1. the person engaging in the harassment causes a student to believe that he or she must submit to unwelcome sexual conduct in order to participate in a school program or activity, or when the person engaging in the harassment causes a student to believe that the harasser will make an educational decision based on whether or not the student submits to the unwelcome sexual conduct; or
2. the unwelcome sexual conduct is so severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment.

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Examples of conduct that may constitute sexual harassment of a student include, but are not limited to:

1. unwelcome verbal harassment or abuse, or unwelcome written harassment or abuse, including through the Internet or e-mail;
  2. unwelcome sexual advances or pressure for sexual activity;
  3. unwelcome, sexually motivated or inappropriate patting, pinching, or physical contact, other than necessary restraint of students by teachers, administrators or other school personnel to avoid physical harm to persons or property;
  4. unwelcome sexual behavior or words, including demands for sexual favors, accompanied by implied or overt threats concerning an individual's educational status or implied or overt promises of preferential treatment with regard to an individual's educational status;
  5. unwelcome behavior or words directed at an individual because of gender;
  6. coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
  7. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
  8. threatening to force or coerce sexual acts, including the touching of intimate parts or intercourse, on another;
  9. graffiti of a sexually offensive nature;
  10. sexual gestures or jokes; or
  11. spreading rumors about or rating other students as to sexual activity or performance.
- B. Harassment Based on Race or Color: Harassment of a student based on race or color consists of physical, verbal, or written conduct relating to an individual's race or color when the conduct:
1. is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment;

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2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
3. otherwise adversely affects an individual's academic opportunities.

Examples of conduct that may constitute harassment of a student based on race or color include, but are not limited to:

1. threatening or intimidating conduct directed at others because of race or color;
2. racial slurs, negative stereotypes and hostile acts based on race or color;
3. graffiti containing racially offensive language;
4. posted or circulated (including through e-mail or the Internet) and which is aimed at degrading individuals because of race or color; or
5. a physical act of aggression or assault upon another because of, or in a manner reasonably related to, race or color.

C. Harassment Based on Religion or National Origin: Harassment of a student based on religion or national origin consists of physical, verbal or written conduct which is related to an individual's religion or national origin when the conduct:

1. is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment;
2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
3. otherwise adversely affects an individual's academic opportunities.

Examples of conduct that may constitute harassment of a student based on religion or national origin include, but are not limited to:

1. threatening or intimidating conduct directed at others because of religion or national origin;
2. slurs, negative stereotypes and hostile acts based on religion or national origin;

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3. graffiti containing offensive language that is derogatory to others because of their religion or national origin;
  4. written or graphic material containing comments or stereotypes which is posted or circulated (including through e-mail or the Internet) and which is aimed at degrading individuals because of religion or national origin; or
  5. a physical act of aggression or assault upon another because of, or in a manner reasonably related to, religion or national origin.
- D. Harassment Based on Disability: Harassment of a student based on disability consists of physical, verbal or written conduct which is related to an individual's physical or mental impairment when the conduct:
1. is sufficiently severe, persistent or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity, or creates an intimidating, threatening or abusive educational environment;
  2. has the purpose or effect of substantially or unreasonably interfering with an individual's academic performance; or
  3. otherwise adversely affects an individual's academic opportunities.

Examples of conduct that may constitute harassment of a student based on disability include, but are not limited to:

1. threatening or intimidating conduct directed at others because of a physical or mental disability;
2. slurs, negative stereotypes, jokes and hostile acts based on a physical or mental disability;
3. graffiti containing offensive language that is derogatory to others because of their physical or mental disability;
4. written or graphic material containing comments or stereotypes which is posted or circulated (including through e-mail or the Internet) and which is aimed at degrading individuals because of their physical or mental disability; or
5. a physical act of aggression or assault upon another because of, or in a manner reasonably related to, an individual's physical or mental disability.

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### III. REPORTING PROCEDURES

Any student who believes he or she has been the victim of harassment by a student, teacher, administrator or other school personnel of the District, or by any other person who is participating in, observing, or otherwise engaging in activities under the direction of the District, is encouraged to report the alleged act immediately to an appropriate District official designated by this policy.

Any teacher, administrator, or other school personnel who has knowledge or belief that a student has or may have been the victim of prohibited harassment is required to immediately report the alleged acts to an appropriate District official designated by this policy.

Any other person with knowledge or belief that a student has or may have been the victim of prohibited harassment is encouraged to immediately report the alleged acts to an appropriate District official designated by this policy.

The District encourages the reporting party or complainant to use the report form available from the principal of each building and available from the District office, but oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment or violence directly to a District Human Rights Officer or to the Superintendent.

A. In each school building. The building principal is the person responsible for receiving oral or written reports of prohibited harassment at the building level. Any adult District personnel who receives a report of prohibited harassment shall inform the building principal immediately. Upon receipt of a report, the principal must notify the District Human Rights Officer immediately, without screening or investigating the report. The principal may request, but may not insist upon, a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the Human Rights Officer. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the Human Rights Officer. Failure to forward any harassment report or complaint as provided herein will result in disciplinary action against the principal.

If the complaint involves the building principal, the complaint shall be made or filed directly with the Superintendent or the District Human Rights Officer by the reporting party or complainant.

B. In the District. The Board hereby designates as responsible to identify, prevent, and remedy harassment: the middle school associate principal for high school related investigations, the high school associate principal for middle school related investigations, and either the middle school associate principal or high school associate principal for elementary related investigations. If the complaint involves the Human Rights Officer, the complaint shall be filed directly with the Superintendent. The District shall conspicuously post the name of the Human Rights Officer, including mailing addresses and telephone numbers.

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The Human Rights Officer shall:

1. receive reports or complaints of harassment;
2. oversee the investigative process;
3. be responsible for assessing the training needs of staff and students in connection with the dissemination, comprehension, or compliance with this policy; and
4. arrange for necessary training.

C. Use of formal reporting forms is not mandatory.

D. The District will respect the privacy of the complainant, the individual against whom the complaint is filed, and the witnesses as much as possible, consistent with the District's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations.

#### IV. INVESTIGATION

By authority of the District, the Human Rights Officer, upon receipt of a report or complaint alleging prohibited harassment, shall immediately undertake or authorize an investigation. The investigation may be conducted by District officials or by a third party designated by the District.

The investigation may consist of personal interviews with the complainant, the individual against whom the complaint is filed, and others who may have knowledge of the alleged incident or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In determining whether alleged conduct constitutes a violation of this policy, the District should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, the District may take immediate steps, at its discretion, to protect the complainant, students, teachers, administrators or other school personnel pending completion of an investigation of alleged harassment.

The investigation will be completed as soon as practicable, but no later than fourteen days from receipt of the report unless one or more material parties cannot be identified or contacted. The District Human Rights Officer shall make a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, the report may be filed directly with the Board. The report shall include a determination of whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.

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V. DISTRICT ACTION

- A. Upon receipt of a report that a violation of this policy has occurred, the District will take appropriate action. Such action may include, but is not limited to: warning, suspension, exclusion, expulsion, transfer, remediation, termination or discharge, counseling, training, or parent-teacher conferences. District action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Iowa and federal law, and District policy.

In determining what is an appropriate response to a finding that harassment in violation of this policy occurred, the District shall consider:

1. what response is most likely to end any ongoing harassment;
  2. whether a particular response is likely to deter similar future conduct by the harasser or others;
  3. the amount and kind of harm suffered by the victim;
  4. the identity of the party who engaged in the harassing conduct; or
  5. whether the harassment was engaged in by school personnel, and if so, the District will also consider how it can best remediate the effects of the harassment.
- B. The result of the District's investigation of each complaint filed under these procedures will be reported in writing to the complainant by the District in accordance with state and federal law regarding data or records privacy.

VI. REPRISAL

Submission of a good faith complaint or report of prohibited harassment will not affect the complainants or reporter's grades or educational opportunities. The District will discipline or take appropriate action against any student, teacher, administrator or other school personnel who retaliates against any person who reports alleged harassment or any person who testifies, assists or participates in an investigation, or who testifies, assists or participates in the proceeding or hearing relating to such harassment. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment.

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VII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Iowa Civil Rights Commission or the U.S. Department of Education, Office of Civil Rights, 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114, (816) 268-0550.

VIII. DISSEMINATION OF POLICY

- A. This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members.
- B. This policy shall appear in the student handbook.
- C. The District will develop a method of discussing this policy with students, parents and employees.
- D. This policy shall be reviewed at least annually for compliance with state and federal law.

Legal Reference: 20 U.S.C. §§ 1221 – 12341 (1988)  
29 U.S.C. § 794 (1988)  
42 U.S.C. §§ 2000D-2000D-7 (1988)  
42 U.S.C. §§ 12001 *et seq* (Suppp. 1990)  
Iowa Code §§ 216.9, 230.3 (1995)  
Protecting Students from Harassment and Hate Crime, U.S.  
Department of Education, Office for Civil Rights

Cross References: 410.4 Harassment  
502 Student Behavior and Discipline  
505.1 Student Records

Adopted – April 27, 1998

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