



Code No. 403.5

## HARASSMENT

Harassment of employees and students will not be tolerated in the school district. School district includes school district facilities, school district premises, and non-school property if the employee or student is at any school sponsored, school approved or school related activity or function, such as field trips or athletic events where students are under the control of the school district or where the employee is engaged in school business.

Harassment includes, but is not limited to, racial, religious, national origin, age, disability and sexual harassment. Harassment by board members, administrators, employees, parents, vendors, and others doing business with the school district is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including, discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or board.

Sexual harassment will include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- ▶ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- ▶ submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- ▶ such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Employees and students who believe they have suffered harassment will report such matters to the designated investigator, the principal, for harassment complaints. However, claims regarding harassment may also be reported to the alternate investigator, the counselor, for harassment complaints.

Upon receiving a complaint, the investigator will confer with the complainant to obtain an understanding and a statement of the facts. It is the responsibility of the investigator to promptly and reasonably investigate claims of harassment and to pass the findings on to the superintendent who will complete such further investigation as deemed necessary and take such final action as deemed appropriate. Information regarding an investigation of harassment is confidential to the extent possible, and those individuals who are involved in the investigation will not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against an employee or student because they have filed a harassment complaint, assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge or because they have opposed language or conduct that violates this policy.

It is the responsibility of the board members, administrators, licensed and classified employees, students, and others having business or other contact with the school district to act appropriately under this policy. It is the responsibility of the superintendent and investigator to inform and educate employees or students and others involved with the school district about harassment and the school district's policy prohibiting harassment.

This policy and accompanying regulations will only apply when an employee is the victim of an alleged harasser or an employee is the alleged harasser. It is the responsibility of the superintendent, in conjunction with the investigator, to develop administrative rules regarding this policy.

Legal Reference: Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).  
Hall v. Gus Const. Co., 842 F.2d 1010 (8th Cir. 1988).  
Lynch v. City of Des Moines, 454 N.W.2d 827 (Iowa 1990).  
42 U.S.C. §§ 2000e et seq. (1994).  
29 C.F.R. Pt. 1604.11 (2002).  
Iowa Code ch. 216 (2005).  
281 I.A.C. 12.3(6).

Cross Reference: 102 Equal Educational Opportunity  
401.1 Equal Employment Opportunity  
401.4 Employee Complaints  
402.3 Abuse of Students by School District Employees  
404 Employee Conduct and Appearance  
502.10 Student-to-Student Harassment  
503 Student Discipline

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