

**105 ANTI-BULLYING/ANTI-HARASSMENT POLICY**

The Muscatine 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 civilized environment, and the ability of students to learn and succeed.

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, and 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. The superintendent is responsible for implementation of this policy and all accompanying procedures. Complaints will be investigated within a reasonable time frame. Within 24 hours of receiving a report that a student may have been the victim of conduct that constitutes bullying and/or harassment, the district will notify the parent or guardian of the student.

If as a result of viewing surveillance system data or based on a report from a school district employee, the district determines that a student has suffered bullying or harassment by another student enrolled in the district, a parent or guardian of the student may enroll the student in another attendance center within the district that offers classes at the student's grade level, subject to the requirements and limitations established in Iowa law related to this topic.

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 of harm to the student’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 an individual’s academic performance.
  4. 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 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.

### **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 website.

The District has separate procedures for reports or complaints of sexual harassment governed by Title IX of the Education Amendments Act of 1972. These procedures are available at:

<http://www.muscatine.k12.ia.us/departments/hr/title-ix/> or for a paper copy, please contact the Human Resources Department at 2900 Mulberry Avenue, Muscatine, Iowa, 52761, 563-263-7223. For reports or complaints of sexual harassment outside of the District’s Title IX jurisdiction, the District may follow any other applicable policy or procedure to respond to such a report or complaint. Questions about the District’s obligations under Title IX or the District’s Title IX Procedures should be directed to the District’s Title IX Coordinator, Jamie Kroeger Muscatine Community School District, 2900 Mulberry Avenue, Muscatine, Iowa 52761, 563-263-7223 or

[jamie.kroeger@mcsdonline.org](mailto:jamie.kroeger@mcsdonline.org) or Deputy Title IX Coordinator Mike Henson, 2705 Cedar Street, Muscatine, Iowa, 52761, 563-263-6141, [mike.henson@mcsdonline.org](mailto:mike.henson@mcsdonline.org) .

Legal References:      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; 280.3;28; ~~280.3~~.  
                                 281 I.A.C. 12.3(6).  
                                 *Morse v. Frederick*, 551 U.S. 393 (2007)