



Equity Policies: Bullying and Harassment; and Grievance Procedures

SHENANDOAH COMMUNITY SCHOOL DISTRICT

Shenandoah Community Schools does not illegally discriminate on the basis of race, color, national origin, gender, gender identity, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact the district's Equity Coordinator, Monte Munsinger, Shenandoah CSD 304 w. Nishna Rd. Shenandoah, IA. 51601, 712-246-1581, munsingerm@shencsd.com

103 EQUAL EDUCATIONAL OPPORTUNITY

The board will not discriminate in its educational activities on the basis of age, race, color, national origin, gender, gender identity, religion, creed, marital status, sex, sexual orientation, socioeconomic status, or disability.

The board requires all persons, agencies, vendors, contractors and other persons and organizations doing business with or performing services for the school district to subscribe to all applicable federal and state laws, executive orders, rules and regulations pertaining to contract compliance and equal opportunity.

The board is committed to the policy that no otherwise qualified person will be excluded from educational activities on the basis of age, race, color, national origin, gender, gender identity, religion, creed, marital status, sex, sexual orientation, socioeconomic status, or disability. Further, the board affirms the right of all students and staff to be treated with respect and to be protected from intimidation, discrimination, physical harm and harassment.

Harassment or discriminatory behavior that denies civil rights or access to equal educational opportunities includes comments, name-calling, physical conduct or other expressive behavior directed at an individual or group that intentionally demeans the age, race, color, national origin, gender, gender identity, religion, creed, marital status, sex, sexual orientation, socioeconomic status, or disability of the individual or individuals or creates an intimidating, hostile or demeaning environment for education.

Legal Reference: 20 U.S.C. §§ 1221 *et seq.* (1994).
 20 U.S.C. §§ 1681 *et seq.* (1994).
 20 U.S.C. §§ 1701 *et seq.* (1994).
 29 U.S.C. § 794 (1994).
 42 U.S.C. §§ 12101 *et seq.* (1994).
 34 C.F.R. Pt. 100 (2002).
 34 C.F.R. Pt. 104 (2002).
 Iowa Code §§ 216.9; 256.11, .11A; 280.3 (2009).
 281 I.A.C. 12.

Cross Reference: 101 Educational Philosophy of the School District
 401.1 Equal Employment Opportunity
 500 Objectives for Equal Educational Opportunities for Students
 506.1 Student Records

Approved 8/8/94Reviewed 11/07/16Revised 11/07/16

103.E1 SECTION 504 NOTICE OF NONDISCRIMINATION

Students, parents, employees and others doing business with or performing services for the Shenandoah Community School District are hereby notified that this school district does not discriminate on the basis of age, race, color, national origin, religion, creed, gender, gender identity, marital status, sex, sexual orientation, socioeconomic status, or disability in admission or access to, or treatment in, its programs and activities. Any person having inquiries concerning the school district's compliance with the regulations implementing title VI, Title VII, Title IX, the Americans with Disabilities Act (ADA), § 504 or Iowa Code § 280.3 is directed to contact:

(Title) Equity Coordinator, Monte Munsinger

(Where Located) Shenandoah Administration Building

(Telephone Number) (712) 246-1581

who has been designated by the school district to coordinate the school district's efforts to comply with the regulations implementing Title VI, Title VII, Title IX, the ADA, § 504 and Iowa Code 280.3.

103.E2 GRIEVANCE FORM FOR COMPLAINTS OF DISCRIMINATION
OR NON-COMPLIANCE WITH FEDERAL OR STATE REGULATIONS REQUIRING NON-
DISCRIMINATION

I, _____, am filing this grievance because

(Attach additional sheets if necessary)

Describe incident or occurrence as accurately as possible:

(Attach additional sheets if necessary)

Signature _____

Address _____

Phone Number _____

If student, Name _____ Grade Level _____

Attendance Center _____

103. E3 GRIEVANCE DOCUMENTATION

Name of Individual Alleging Discrimination or Non-Compliance:

Grievance Date: _____

State the nature of the complaint and the remedy requested:

Indicate Principal’s or Supervisor’s response or action to above complaint:

Signature of Principal or Supervisor: _____

103. E4 SECTION 504 STUDENT AND PARENTAL RIGHTS

The Shenandoah Community School District does not discriminate in its educational programs and activities on the basis of a student's disability. It has been determined that your child has a qualifying disability for which accommodations may need to be made to meet his or her individual needs as adequately as the needs of other students. As a parent, you have the right to the following:

- Participation of your child in school district programs and activities, including extracurricular programs and activities, to the maximum extent appropriate, free of discrimination based upon the student's disability and at the same level as students without disabilities;
- Receipt of free educational services to the extent they are provided students without disabilities;
- Receipt of information about your child and your child's educational programs and activities in your native language;
- Notice of identification of your child as having a qualifying disability for which accommodations may need to be made and notice prior to evaluation and placement of your child and right to periodically request a re-evaluation of your child;
- Inspect and review your child's educational records including a right to copy those records for a reasonable fee. You also have a right to ask the school district to amend your child's educational records if you feel the information in the records is misleading or inaccurate should the school district refuse to amend the records, you have a right to a hearing and to place an explanatory letter in your child's file explaining why you feel the records are misleading or inaccurate;

Inquiries concerning the school district's compliance with the regulations implementing Title VI, Title IX, the Americans with Disabilities Act (ADA), § 504 or Iowa Code § 280.3 should be directed to:

(Title) Equity Coordinator, Monte Munsinger

(Where located) Shenandoah Administration Building (Telephone No.) 712-246-1581

who has been designated by the school district to coordinate the school district's efforts to comply with the regulations implementing Title VI, Title IX, the ADA, § 504 or Iowa Code § 280.3.

103. R1 GRIEVANCE PROCEDURE

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

Level One-Principal, Immediate Supervisor or
Personnel Contact Person
(Informal and Optional-may be bypassed by the grievant)

Employees with a complaint of discrimination based upon their age, race, color, national origin, gender, religion, creed, marital status, sexual orientation, or disability are encouraged to first 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, race, color, national origin, gender, gender identity, religion, creed, marital status, sex, sexual orientation, or disability are encouraged to first discuss it with the personnel contact person.

A student, or a parent of a student, with a complaint of discrimination based upon their age, race, color, national origin, gender, gender identity, religion, creed, marital status, sex, sexual orientation, or disability are encouraged to discuss it with the instructor, counselor, supervisor, building administrator, program administrator or personnel contact person directly involved.

Level Two-Compliance Officer

If the grievance is not resolved at level one and the grievant wishes to pursue the grievance, the grievant may formalize it by filing a complaint in writing on a Grievance Filing Form, which may be obtained from the Compliance Officer. The complaint will state the nature of the grievance and the remedy requested. The filing of the formal, written complaint at level two must be within 15 working days from the date of the event giving rise to the grievance, or from the date the grievant could reasonably become aware of such occurrence. The grievant may request that a meeting concerning the complaint be held with the Compliance Officer. A minor student may be accompanied at that meeting by a parent or guardian. The Compliance Officer will investigate the complaint and attempt to resolve it. A written report from the Compliance Officer regarding action taken will be sent to the involved parties within a reasonable time after receipt of the complaint.

Level Three-Superintendent/Administrator

If the complaint is not resolved at level two, the grievant may appeal it to level three by presenting a written appeal to the superintendent within five working days after the grievant receives the report from the Compliance Officer. The superintendent may request a meeting with the grievant to discuss the appeal. A decision will be rendered by the superintendent within a reasonable time after the receipt of the written appeal. If, in cases of disability grievances at the elementary and secondary level, the issue is not resolved through the grievance process, rather, the parents have a right to an impartial hearing to resolve the issue.

This procedure in no way denies the right of the grievant to file formal complaints with the Iowa Civil Rights Commission, the U.S. Department of Education Office for Civil Rights or Office of Special Education Programs, the Equal Employment Opportunity Commission, or the Iowa Department of Education for mediation or rectification of civil rights grievances, or to seek private counsel for complaints alleging discrimination.

Level Four-Appeal to Board

If the grievant is not satisfied with the superintendent's decision, the grievant can file an appeal with the board within five working days of the decision. It is within the discretion of the board to determine whether it will hear the appeal.

The Compliance Officer is:

Name Equity Coordinator, Monte Munsinger

Office Address Shenandoah Administration Building

Phone Number (712) 246-1581

Office Hours 8:00 a.m. – 4:00 p.m.

Approved 1/11/99 Reviewed 11/07/16 Revised 11/07/16

104.1 ANTI-HARASSMENT/BULLYING POLICY

Harassment and bullying of students, employees, officers, board directors and volunteers are against federal, state and local policy, and are not tolerated by the board. The board is committed to providing all students, employees, officers, board directors and volunteers 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 bullying and harassment as well as processes and procedures to deal with incidents of bullying and harassment. Bullying and harassment of students, employees, officers, board directors or volunteers or by other students, employees, officers, board directors, or volunteers or by others such as parents, vendors, and persons doing business with the school district, will not be tolerated in the school or school district.

For the purpose of this policy, the term “volunteer” includes, but is not limited to, a person performing a service for the benefit of and at the request of the school district.

The board prohibits harassment, bullying, or hazing of students, employees, officers, board directors and volunteers based on any of the following actual or perceived traits or characteristics: age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

This policy is in effect while students, employees, officers, board directors and volunteers are on property within the jurisdiction of the board; while on school-owned or school-operated vehicles; while attending or engaged in school-sponsored or school approved activities or functions regardless of location; and while away from school grounds if the misconduct directly affects the good order, efficient management and welfare of the school 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 up to, and including, 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 up to, and including, termination. If, after an investigation, a school officer or board director is found to be in violation of this policy, the officer or director shall be subject to appropriate measures which may include public reprimand or removal from office, in accordance with applicable board policies and procedures and the law. 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 school grounds.

Harassment and bullying mean any electronic, written, verbal, or physical act or conduct toward a student, employee, officer, board director or volunteer which is based on any actual or perceived trait or characteristic of the individual and which creates an objectively hostile school or work environment that meets one or more of the following conditions:

Places the student, employee, officer, board director or volunteers in reasonable fear of harm to their person or property;

- Has a substantially detrimental effect on the student’s, employee’s, officer’s, board director’s or volunteer’s physical or mental health;
- Has the effect of substantially interfering with the student’s academic performance or an employee’s, officer’s, board director’s or volunteer’s work performance; or
- Has the effect of substantially interfering with the student’s, employee’s, officer’s, board director’s or volunteer’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

“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:

- Verbal, nonverbal, physical or written harassment, bullying, hazing, or other victimization that have the effect of causing injury, discomfort, fear, or suffering to the victim;
- Repeated remarks of demeaning nature that have the effect of causing injury, discomfort, fear, or suffering to the victim;
- Implied or explicit threats concerning one’s grades, achievements, property, etc. That have the effect of causing injury, discomfort, fear, or suffering to the victim;
- Demeaning jokes, stories, or activities directed at the victim that have the purpose or effect of causing injury, discomfort, fear, or suffering to the victim; and/or
- Unreasonable interference with a victim’s performance or creation of an intimidating, offensive, or hostile learning or work environment.

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 education or benefits or the individual’s work or employment;
- Submission to or rejection of the conduct by a student or school employee is used as the basis for academic decisions affecting that student or employment decisions affecting the individual; or
- The conduct has the purpose or effect of substantially interfering with the student’s academic performance or individual’s work performance, or creating an intimidating, hostile or offensive education or work environment.

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

- Requiring that a student submit to bullying or harassment 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.

To the extent provided in Iowa Code Section 280.28, any person who promptly, reasonably, and in good faith reports an incident of bullying or harassment under this policy to a school official, 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.

Retaliation, reprisal, or false accusation against any person because the person has filed a bullying or harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. Individuals who knowingly file false harassment 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 school employee found to have retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. A school officer or board director found to have retaliated in violation of this policy shall be subject to measures up to, and including, public reprimand and removal from

office, in accordance with applicable board policies and procedures and the law. 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. Other persons found to have retaliated in violation of this policy shall be subject to appropriate measures as determined by the school district.

The school or school district will promptly and reasonably investigate allegations of bullying or harassment. The building principal or designee will be responsible for handling all complaints alleging bullying or harassment at the school building level. The superintendent or designee will be responsible for handling all complaints of bullying and harassment at the district administration or board level.

It also is the responsibility of the superintendent, in conjunction with principals, to develop procedures regarding this policy. The superintendent also is responsible for organizing training programs for students, employees, school officers, board directors and volunteers. The training will include how to recognize harassment and what to do in case someone is bullied or harassed. It will also include proven effective harassment prevention strategies. The superintendent will also develop a process for evaluating the effectiveness of the policy in reducing bullying and harassment. The superintendent shall report to the board on the progress of reducing bullying and harassment.

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 web site,

And a copy shall be made available to any person at the central administrative office at 304 West Nishna, Shenandoah, IA 51601

Legal References:

20 U.S.C. §§ 1221-1234i (2004).
29 U.S.C. § 794 (1994).
42 U.S.C. §§ 2000d-2000d-7 (2004).
42 U.S.C. §§ 12001 *et. seq.* (2004).

Senate File 61, 1st Regular Session, 82nd General Assembly,
(2007). Iowa Code §§ 216.9; 280.3 (2009).
281 I.A.C. 12.3(6).
Morse v. Frederick, 127 S.Ct. 2618 (2007)

Cross References:

502 Student Rights and Responsibilities
503 Student Discipline
506 Student Records

104. E1 ANTI-BULLYING/HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Name of student or employee target: _____

Date of complaint: _____

Name of alleged harasser or bully: _____

Date and place of incident or incidents: _____

Nature of Discrimination or Harassment Alleged (Check all that apply)

<input type="checkbox"/>	Age	<input type="checkbox"/>	Physical Attribute	<input type="checkbox"/>	Sex
<input type="checkbox"/>	Disability	<input type="checkbox"/>	Political Belief	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Familial Status	<input type="checkbox"/>	Race/Color	<input type="checkbox"/>	Socio-economic Background
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Religion/Creed	<input type="checkbox"/>	Other – Please Specify:
<input type="checkbox"/>	National Origin/Ethnic Background/Ancestry	<input type="checkbox"/>	Gender or Gender Identity		

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment or bullying, i.e., letters, photos, etc. (attach evidence if possible):

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: ____ / ____ / ____

104.1E2 ANTI-BULLYING/HARASSMENT WITNESS DISCLOSURE FORM

Name of witness: _____

Position of witness: _____

Date of testimony, interview: _____

Description of incident witnessed: _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _ / _ / _

104.1E3 DISPOSITION OF ANTI-BULLYING/HARASSMENT COMPLAINT FORM

Name of complainant: _____

Name of student or employee target:: _____

Grade and building of student or employee: _____

Name and position or grade of alleged perpetrator /respondent: _____

Date of initial complaint: _____

Nature of discrimination or harassment alleged (Check all that apply)

<input type="checkbox"/>	Age	<input type="checkbox"/>	Physical Attribute	<input type="checkbox"/>	Sex
<input type="checkbox"/>	Disability	<input type="checkbox"/>	Political Belief	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Familial Status	<input type="checkbox"/>	Race/Color	<input type="checkbox"/>	Socio-economic Background
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Religion/Creed	<input type="checkbox"/>	Other – Please Specify:
<input type="checkbox"/>	National Origin/Ethnic Background/Ancestry	<input type="checkbox"/>	Gender or Gender Identity		

Summary of investigation: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: ____ / ____ / ____

104.1R1 ANTI-HARASSMENT/BULLYING INVESTIGATION PROCEDURES

Individuals who feel that they have been harassed should:

Communicate to the bully/harasser that the individual expects the behavior to stop, if the individual is comfortable doing so. If the individual wants assistance communicating with the bully/harasser, the individual should ask a teacher, counselor, principal, or superintendent to help.

If the harassment does not stop, or the individual does not feel comfortable confronting the harasser, the individual should:

1. tell a teacher, counselor, principal or superintendent: and
2. write down exactly what happened, keep a copy and give another copy to the teacher, principal or superintendent including:
 - what, when and where it happened;
 - who was involved;
 - exactly what was said or what the harasser did;
 - witnesses to the harassment;
 - what the complainant said or did, either at the time or later;
 - how the complainant felt; and
 - how the bully/harasser responded.

COMPLAINT PROCEDURE

An individual who believes that the individual has been harassed or bullied will notify the building principal or designee for all complaints at the school building level. The superintendent or designee will be responsible for handling all complaints of bullying and harassment at the district administration or board level. The alternate investigator is the Equity Coordinator, Assistant Principal or designee. The investigator may request that the individual complete the Harassment/Bullying Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. However, completion of a complaint on the Harassment/Bullying Complaint form is not mandatory for purposes of investigating a complaint. The complainant shall be given a copy of the completed complaint form. Information received during the investigation is kept confidential to the extent possible.

An investigator, with the approval of the principal or the superintendent has the authority to initiate an investigation in the absence of a written complaint.

INVESTIGATION PROCEDURE

Level One

The building principal (or designee), for harassment or bullying occurring at the school building level, and the superintendent (or designee), for harassment or bullying occurring at the district administration or board level, will assign an investigator. The investigator will be designated by the building principal or superintendent and can be a supervisor, a building or district administrator, or a designated level 1 investigator for Chapter 102 complaints. The complainant should be informed of these choices and given the opportunity for input into the choice of investigator assigned to the complaint. Once assigned, the investigator will reasonably and promptly commence the investigation. The investigator will interview the complainant and the alleged harasser/bully. The alleged harasser/bully may file a written statement in response to the complaint. The investigator may also interview witnesses and consider other evidence as deemed appropriate. 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 designee), superintendent (or designee) or board president (or designee), depending upon whether the alleged harassment or bullying occurred at the school building or district administration or board level. The investigator will provide a copy of the written findings and conclusions of the investigation to the principal (or designee), superintendent (or designee) or board president (or designee), as appropriate.

Following receipt of the investigator's report, the principal, superintendent, or board president designee, as appropriate, may investigate further, if deemed necessary, and make a determination of any appropriate additional steps, which may include discipline or other remedial action.

Prior to the determination of the appropriate discipline or other remedial action, the principal, superintendent, or designee, as appropriate, may, at his/her discretion, interview the complainant and the alleged harasser/bully. The principal, superintendent, or designee, as appropriate, 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/bully and the investigator will receive notice as to the conclusion of the investigation. The principal, superintendent, or designee, as appropriate will maintain a log of information necessary to comply with Iowa Department of Education reporting procedures.

Level Two

If the complaint is not resolved at level one to the satisfaction of the complainant or the alleged harasser/bully, the grievant(s) may appeal the findings to the superintendent or appropriate designee. The filing of the level two complaint must be within fifteen (15) working days from the date of the conclusion of the level one investigation and must be made in writing using the anti-harassment/bullying complaint form stating the nature of the grievance. The grievant may request a meeting concerning the complaint with the superintendent or designee. A parent or guardian may accompany a minor student. The superintendent or designee shall investigate the complaint and attempt to resolve it. A written report from the superintendent or designee regarding action taken will be sent to the involved parties within fifteen (15) working days after receipt of the level two complaint.

POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is treated as confidential, to the extent possible.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Individuals who retaliate will be subject to discipline as appropriate.
- The totality of the circumstances will be considered in determining whether conduct constitutes harassment or bullying in violation of this policy.
- Students, employees, officers, board directors, and volunteers are expected to fully and fairly cooperate in any investigation.

CONFLICTS

If the designated investigator is the subject of or a witness to the incident or is otherwise personally affected by the complaint procedures related to the incident, an alternate investigator shall investigate the complaint. If the building principal, superintendent, or designee involved in the investigation procedure and resolution of the complaint is the subject of or a witness to the incident or is otherwise personally affected by the complaint procedures related to the incident, an alternate administrator shall serve as a substitute.

This procedure in no way denies the right of a person to file a formal complaint with the Iowa Civil Rights Commission, the Federal Office of Civil Rights for the U.S. Department of Education, the Federal Equal Employment Opportunity Commission, and/or the Iowa Department of Education for mediation or rectification of civil rights grievances, or to seek private counsel for complaints alleging bullying, harassment, or discrimination.

The Superintendent for the school district is responsible for ensuring the proper implementation of this policy and procedures.

The Superintendent: Dr. Kerri Nelson
Address: 304 West Nishna,
Shenandoah, IA 51601
Phone Number: (712) 246-1581