

Consequences for the Student Harasser*: Consequences for the student harasser include, but are not limited to:

- Verbal warning/reprimand;
- Written warning/reprimand (entered into student's discipline file);
- Internal or external suspension;
- Expulsion;
- Referral to law enforcement agencies for appropriate action.

**Some harassing behaviors are more severe than others and they may merit more severe and immediate consequences.*

Reporting a Complaint: Any person who believes that they have been a victim of harassment by a student or employee of the district shall report the conduct immediately to a trusted employee, the district's Nondiscrimination/Title IX Coordinators, or law enforcement.

Failure to report an unwelcome behavior does not mean the behavior was welcome.

Any district employee who witnesses or becomes aware of sexual harassment has an affirmative obligation to report immediately to the district's Nondiscrimination/Title IX Coordinators or to their building principal or immediate supervisor. Failure to do so may result in disciplinary action against the employee, up to and including termination of employment.

An investigation shall begin immediately, unless the informal resolution process is in place. The investigation may consist of personal interviews with the alleged victim(s), the alleged harasser(s), and others who may have knowledge of the incidents or circumstances that led to the complaint. The investigation may also consist of other methods and documents specified by the investigator.

Confidentiality: Confidentiality shall be maintained in so far as possible during the investigation of a complaint and regarding any subsequent disciplinary action.

Complaint Procedures: Questions about procedures, forms, appeals, or alternative complaint procedures should be directed to the Linn-Mar Nondiscrimination/Title IX Coordinators:

*Anne Faber, Exec Director of Student Services (319-447-3663)

*Chad Lang, Associate Superintendent (319-447-3028)

*Karla Christian, Chief Human Resources Officer (319-447-3036)

Complaints can also be submitted to:

*Iowa Civil Rights Commission, Des Moines, IA (515-281-4121)

*US Office for Civil Rights, Denver, CO (303-844-5695)

Reprisal and/or Retaliation: Retaliation includes but is not limited to any form of intimidation, reprisal, or harassment. Anyone, student, or staff, who retaliates against an individual reporting alleged harassment may be subject to discipline. Anyone who retaliates against an individual who testifies, assists, or participates in an investigation, proceeding, or hearing related to a complaint of harassment may be subject to discipline. Submission of a complaint or report shall not affect a student's grades, etc.

Services Available to Students: Students who feel the need to talk with a trusted adult following experiences with harassment may find the following services helpful: school counselors, nurses, and prevention/intervention specialists.

The Linn-Mar Community School District does not discriminate on the basis of race, color, national origin, sex, physical or mental ability or disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity, socioeconomic status (for programs), physical attributes, genetic information, ancestry, political party preference, political belief, military status, pregnancy, or familial status in its education programs and its employment practices. Inquiries regarding compliance with equal educational opportunity laws and policies, including but not limited to complaints of discrimination, and affirmative action laws and policies shall be directed to the Equal Employment/ Nondiscrimination Coordinators, Linn-Mar Community School District, 3556 Winslow Road, Marion, IA 52302. Inquiries may also be directed in writing to the Iowa Civil Rights, US Department of Education, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310, Denver, CO, 80204-3582 or the Iowa Civil Rights Commissioner, 6200 Park Avenue, Suite 100, Des Moines, IA 50321-1270. (Reference LM Policy Series 103 & 104)

Harassment

Student Rights and Responsibilities

(5th – 12th Grade Students)



Marion, IA

The purpose of this brochure is to provide information and examples on:

- The district's policies and procedures regarding harassment.
- Behaviors which may constitute harassment.
- What to do if you are a victim of harassment.
- The consequences for harassment or failure to report harassing behaviors.

**Documentation will exist that students and staff have received this information.*

Board Policies: The Linn-Mar board policies state that all members of the Linn-Mar Community School District are expected to conduct themselves to provide an atmosphere free from harassment. Any person proven to be in violation of these policies, while acting as a member of the school community, will be subject to discipline or discharge. *(Reference: LM Policy Series 103 & 104)*

Why Policies?

Harassment is illegal under federal law, the Code of Iowa, and Linn-Mar board policies. District staff are obligated to maintain a working and learning environment that is free of harassment. In addition, board policies provide that student conduct shall be governed by the educational purpose underlying all school activities, for the widely-shared use of student property, and for the rights and welfare of other students.

What is Sexual Harassment?

Sexual harassment means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. **“Quid Pro Quo” Harassment:** A district employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct; **OR**
2. **Hostile Educational/Work Environment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a

person equal access to the district's education program or activity; **OR**

3. **Sexual assault:** An offense that meets the definition any one of the following offenses:
 - Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
 - Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
 - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
 - Statutory rape: sexual intercourse with a person who is under the statutory age of consent; **OR**
4. **Stalking:**
 - Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
 - When the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
 - The stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; **OR**
5. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:
 - The length of the relationship;
 - The type of relationship;
 - The frequency of interaction between the persons involved in the relationship; **OR**
6. **Domestic Violence:** Any felony or misdemeanor crime of violence committed:
 - By a current or former spouse or intimate partner of the victim;
 - By a person with whom the victim shares a child in common;

- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Iowa.

Behaviors that May Constitute Sexual Harassment:

- Direct propositions of a sexual nature;
- Subtle pressure for sexual activity, an element of which may be repeated staring or leering;
- A pattern of sexually explicit statements, questions, jokes, or anecdotes;
- Unnecessary touching, patting, hugging, or brushing against a person's body;
- Gestures with the hands or body; such as flashing or mooning
- Remarks of a sexual nature about a person's clothing or body, about sexual activity, or about previous sexual experiences;
- A display of graphic sexual material where others are not free to avoid it;
- Display or transmission of sexually suggestive electronic content such as sexting or social media posts;
- Sexual cartoons, pictures, messages, texts, notes, or tweets;
- Terms of address;
- Physical assault.

Other Forms of Harassment: In addition to sexual harassment, Linn-Mar students and staff are also protected from harassing behaviors based on real or perceived age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, genetic information, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, military status, pregnancy, or familial status. Harassing acts may be treated as just cause for discipline or discharge. *(Reference: LM Policy Series 103 &104)*

