

Educational Philosophy  
Series 100

Policy Title: Bullying and Workplace Harassment

Code No. 102

**Policy Statement**

Heartland Area Education Agency is committed to providing all children and students, families, employees, volunteers and individuals with a safe and civil environment in which all members of the community are treated with dignity and respect. Bullying and/or harassment of or by staff and volunteers is against federal, state, and local policy and is not tolerated by the Board. Bullying and/or harassing behavior can seriously disrupt the ability of employees to maintain a safe and civil environment, and the ability of children and students to learn and succeed. Therefore, it is the policy of the state and the Agency that staff, volunteers, and other individuals who work to provide services through Heartland AEA shall not engage in bullying or harassing behavior during work, on Agency property, or at any Agency function or Agency-sponsored activity, including service to local school districts.

**Scope of Policy**

For the purposes of this policy, the defined words shall have the following meaning:

- "Harassment" and "bullying" shall mean any repeated or potentially repeated digital, written, verbal, or physical act or conduct toward an individual or family based on that individual or family's actual or perceived trait or characteristic which creates an objectively hostile environment that meets one or more of the following conditions:
  1. Places the individual or family in reasonable fear of harm to themselves or property.
  2. Has a substantial detrimental effect on the individual or family'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 or family's ability to participate in or benefit from the services, activities, or privileges provided by the Agency.
- "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.
- "Trait or characteristic" includes but is not limited to race, color, creed, sex, gender identity, sexual orientation, marital status, family status, genetics, national origin, religion, age, military or veteran status, physical or mental ability or disability, pregnancy, physical attributes, political belief, or socioeconomic status.
- "Volunteer" means an individual who is a non-employee and has regular, significant contact with students

For the purpose of this policy, harassment is defined as unwelcome comments (written or spoken) or conduct that violates an individual's dignity and/or creates an intimidating, hostile, degrading, humiliating, or offensive environment. Types of harassment may include, but are not limited to, sexual and physical harassment, including jokes, stories, pictures or objects that are offensive or tend to alarm, annoy, abuse, or demean certain protected individuals or groups.

Sexual harassment may include, but is not limited to, verbal harassment or abuse, unwelcome pressure for sexual activity, repeated unwelcome remarks with sexual or demeaning implications, unwelcome touching, and suggestions or demands of sexual involvement by implied or explicit threats or promises of benefit concerning one's employment or education.

Such conduct will constitute a violation of this policy when

- submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or education,
- submission to or rejection of such conduct by a person is used as the basis for academic or employment decisions affecting that person, or
- such conduct has the clear purpose or effect of interfering with or altering a person's academic or professional performance or creating an intimidating, hostile, or offensive employment or educational environment.

### **Accountability Overview**

Employees, volunteers and other individuals who work to provide services through Heartland AEA whose actions or behavior, either intentional or unintentional, that violate this policy or retaliate in violation of this policy, will be subject to discipline that may result in discharge or removal from service. Responsibility for implementing the policy is assigned to the Chief Human Resources Officer, who will render full assistance and support for those seeking help and assistance.

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.

Heartland AEA employees are informed of the bullying and harassment policy as a part of initial orientation. Annual review is confirmed through employee certification of the staff handbook. Employees who believe that they have been harassed will notify the Chief Administrator and/or Chief Human Resources Officer. An additional safeguard is provided through the whistleblower policy; see policy 413 Disclosure of Wrongful Conduct ([Whistleblower Policy](#)).

The Agency will respond promptly to allegations of bullying and harassment by investigating or arranging for the investigation of an allegation. The processing of a complaint or allegation will be handled confidentially to the maximum extent possible.

If individuals would like to file a complaint, please use the general complaint form found on the Heartland AEA website at: <http://www.heartlandaea.org/non-discrimination/> and submit to the Chief Administrator or one of Heartland AEA's Level 1 Investigators below: ([Heartland Staff Directory](#))

- Primary: Chief Human Resources Officer
- Alternate: Chief Student Services Officer
- Chief Administrator

If individuals have questions or a complaint related to this policy please contact the Heartland AEA Chief Human Resources Officer, 6500 Corporate Dr., Johnston, IA 50131-1603, the Director, Iowa Civil Rights Commission, Des Moines, Iowa 50319-1004 or Director, Office for Civil Rights, Kansas City, MO 64106.

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 2 *et. seq.*  
Iowa Code §§ 216.9; 280.28; 280.3.  
281 I.A.C. 12.3(6).  
Morse v. Frederick, 551 U.S. 393

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