

Iowa Code section 280.28 defines bullying and harassment as follows:

b. "Harassment" and "bullying" shall be construed to mean any electronic, written, verbal, or physical act or conduct toward a student which is based on any actual or perceived trait or characteristic of the student AND which creates an objectively hostile school environment that meets one or more of the following conditions*:**

- (1) Places the student in reasonable fear of harm to the student's person or property.
- (2) Has a substantially detrimental effect on the student's physical or mental health.
- (3) Has the effect of substantially interfering with a student's academic performance.
- (4) Has the effect of substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.

***There may be instances where a bullying incident occurs but there is no apparent evidence that the bullying was based on any actual or perceived trait or characteristic of the student. In that case, because any type of bullying behavior is unacceptable, the incident should be handled by the building administrator/designee and consequences/remediation procedures followed. However, the incident would not be reported to the State on the state reporting system because it does not meet the criteria above.

Bullying conduct may include:

- Physical acts, such as inappropriate, unwanted, uninvited, or injurious physical contact with another; stalking; sexual assault; and destruction or damage to property of another;
- Written and electronic communication of any type that incorporates language or depictions that would constitute bullying, using any medium (including, but not limited to, cell phones, computers, websites, electronic networks, instant messages, text messages and emails);
- Verbal threats made to blackmail, or demands for protection money;
- Non-verbal threats or intimidation such as aggressive or menacing gestures;
- Direct or indirect, relationally aggressive behavior such as social isolation, rumor spreading, or damaging someone's reputation;
- Any of the above conduct which occurs off school grounds when such conduct creates, or reasonably can be expected to create, a substantial disruption in the school setting and/or at school sponsored activities and events. This is true even if the event occurs only one time.

In addition to that conduct described above, *examples* of conduct that may constitute bullying include the following:

- Blocking access to school property or facilities;
- Stealing or hiding or otherwise defacing books, backpacks or other personal possessions;
- Repeated or pervasive taunting, name-calling, belittling, mocking putdowns, or demeaning humor relating to a student's race, color, gender, sexual orientation, ancestry, religion, disability, or other personal characteristics, whether or not the student actually possesses them, that could reasonably be expected to result in the disruption of school activities or that results in a hostile educational environment for the student.

Conduct that would *not ordinarily* be considered bullying includes:

- Mere teasing (playful and not meant as harmful)
- "talking trash"
- Trading of insults (equal involvement by all parties)
- The expression of ideas or beliefs (expressions protected by the First Amendment), so long as such expression is not lewd, profane, or intended to intimidate, harm, or harass another.