

Board Policy Document

STUDENTS

Series 500

Policy Title: **Procedures for Reporting and Investigating Complaints of Bullying / Harassment / Hazing**

Code Number: **AR504.4**

1. PROCEDURES FOR MAKING A REPORT OR FILING A COMPLAINT

District employees or volunteers who receive a complaint of, or who witness, bullying, harassment, or hazing must report the incident to a building administrator immediately.

Students who feel that they have been bullied, harassed, or hazed should report the incident immediately to a teacher, counselor, or building administrator, and a written record shall be created.

As explained in Section 3 below, such a report should first be addressed at the building level, however, students, parents or guardians always have the option of filing a formal complaint by using Complaint Form 504.4-E, which can be obtained from a building administrator, on the District's website, or from the District's Equity Office by calling or emailing the Director of Student Services and Equity Education/Title IX Coordinator, Jen Gomez, at (712) 279-6075 or gomezj2@live.siouxcityschools.com. In the event a complaint relates to allegations of sexual harassment, the Title IX Coordinator will direct the process for compliance with AR 103(a).

Formal complaints should be submitted within fifteen (15) days of the event which is the subject of the complaint, or as soon thereafter as is reasonably possible.

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Legal Reference: Iowa Code §§ 216.2, 9; 280.3, .12, .28; 708.10
 281 I.A.C. 12.3(13)

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2. INTERIM MEASURES

Interim individualized measures should be considered and implemented as appropriate for either the reporting or responding party prior to an investigation or while an investigation is pending. Examples of such measures may include, but are not limited to the following:

- implementing a student safety plan;
- providing counseling or other services;
- providing academic support services; and/or
- contacting law enforcement.

3. INVESTIGATION AND APPEAL PROCESS

General Guidelines:

The District will promptly and reasonably investigate reports of bullying, harassment, or hazing upon receipt of a complaint. Every effort will be made to resolve the matter informally at the building level and take such remedial measures as are deemed appropriate under the circumstances.

Although the outcome or conclusion of an investigation will be shared with the parties, student-specific information, including student discipline, will not be shared with the complainant unless it directly affects the complainant. Steps shall be taken by the District to keep all investigations, reports and decisions confidential, except as needed for the investigation or as required by law or policy. There will be no retaliation against, or adverse treatment of, any individual because he or she submits a report or provides assistance to the District during investigation of any report.

Nothing in these procedures will require the complainant and the respondent to appear in the same meeting or hearing room at the same time.

If any of the stated timelines cannot be met by the District, the District will notify the parties and pursue completion of the process as soon as possible.

Any required notifications under this policy may be sent by regular first-class mail and/or by email to an email address provided by a party.

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A. Level 1 - Building Administrator

This Level is optional and may be bypassed if the reporting party or other affected party wishes to file a formal complaint by following the procedures in Level 2.

Upon receipt of a report under this policy, the Building Administrator will attempt to determine what occurred, and in doing so, may gather additional information from the reporting party, the person(s) identified as the responsible party, and any appropriate witnesses. If it is determined by the Building Administrator that bullying, harassment, or hazing has occurred, appropriate remedial action shall be taken to address the conduct, which may include appropriate disciplinary action in accordance with the K-12 Student Code of Conduct, and to prevent its recurrence and correct any discriminatory effects on the complainant or others. The Building Administrator shall document all actions taken.

The Building Administrator shall provide a written response to the involved parties within five (5) working days of the initial report indicating whether the reported conduct constitutes bullying, harassment or hazing under this policy and, if so, that appropriate action has been taken.

Any party may appeal from a Level 1 determination by submitting Form 504.4-E to the Director of Student Services and Equity Education within five (5) working days after receipt of the Level 1 determination from the Building Administrator.

B. Level 2 - Director of Student Services and Equity Education

In the event the complainant wishes to bypass Level 1, the complainant should submit a completed Complaint Form 504.4-E to the Director of Student Services and Equity Education and should attempt to do so within fifteen (15) days of the alleged incident.

In appropriate circumstances, the Director of Student Services and Equity Education's designee or an alternate may conduct the Level 2 process.

Any party may request that a meeting concerning the complaint be held with the Director of Student Services and Equity Education/designee/alternate. The Director of Student Services and Equity

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Education/designee/alternate may also initiate a request for a meeting to discuss the complaint or appeal. A parent, guardian or other representative may accompany a minor student. The Director of Student Services and Equity Education/designee/alternate, as the designee of the Superintendent, will investigate the complaint and attempt to resolve it. The Director/designee/alternate will consider the totality of the circumstances presented in determining whether conduct objectively constitutes bullying, harassment, or hazing.

Within ten (10) working days after receipt of the initial complaint or appeal from Level 1, a written report from the Director of Student Services and Equity Education/designee/alternate regarding the outcome of the investigation or appeal will be sent to the complainant, the respondent and the Superintendent.

C. Level 3 - Superintendent

In the event a party is not satisfied with the decision made at Level 2, the party may submit a written appeal to the Superintendent within five (5) working days after receipt of the Level 2 report. The Level 2 investigator shall promptly forward all materials relative to the complaint and appeal to the Superintendent. The Superintendent may request a meeting with any party to discuss the appeal. Within ten (10) working days after receipt of the written appeal or within ten (10) working days after meeting with the parties, whichever is later, the Superintendent will send a decision in writing to the parties as well as the Level 2 investigator. The Superintendent may affirm, reverse, or amend the Level 2 decision, or direct the Level 2 investigator to gather additional information. The decision of the Superintendent will be final.

The decision of the Superintendent in no way prejudices a party from seeking redress through local, state, or federal agencies as provided by law.

4. IMMUNITY

Pursuant to state law, a school employee, volunteer, or student, or a student's parent or guardian, who promptly, reasonably, and in good faith reports an incident of harassment or bullying in compliance with the procedures adopted by the District, to the appropriate school official designated by the District, shall

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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.

5. COLLECTION REQUIREMENT

The Director of Student Services and Equity Education shall maintain a system to collect bullying and harassment incidence data.

6. INTEGRATION OF POLICY AND REPORTING

The Director of Curriculum and Assessment shall integrate the District's Anti-Bullying, Harassment, and Hazing policy into the District's comprehensive school improvement plan and shall report such data, as specified by the Iowa Department of Education, to the local community.

7. PUBLICATION OF POLICY/TRAINING

Pursuant to the designation and directive of the Superintendent, the Director of Student Services and Equity Education will provide copies of the District's Anti-Bullying, Harassment, and Hazing policy to school employees, volunteers, students, and parents or guardians by publication in Student and Employee handbooks. The policy may also be published in other school or District communications throughout the school year, as appropriate (i.e. newsletters, District websites, or public media).

Training on the Anti-Bullying, Harassment, and Hazing policy shall take place at the beginning of each school year and will be included as part of new employee and student orientation.

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