

Regulation 104-R(1): Anti-Bullying/Harassment Policy - Investigation Procedures**Status:** ADOPTED**Original Adopted Date:** 07/12/2021 | **Last Reviewed Date:** 04/10/2023**Filing a Complaint**

An individual who believes that the individual has been harassed or bullied may file a complaint with the superintendent or superintendent's designee. The complaint form is available in the principal's office. An alternate investigator will be designated in the event it is claimed that the superintendent or superintendent's designee committed the alleged bullying or harassment or some other conflict of interest exists. Complaints shall be filed within 60 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The Complainant shall receive assistance as needed.

Investigation

The school district will promptly and reasonably investigate allegations of bullying or harassment upon receipt of a written complaint. The building principal or superintendent (hereinafter "Investigator") will be responsible for handling all complaints alleging bullying or harassment.

The investigation may include, but is not limited to the following:

- Interviews with the Complainant and the individual named in the complaint ("Respondent")
- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the Respondent to provide a written statement;
- Interviews with witnesses identified during the course of the investigation;
- A request for witnesses identified during the course of the investigation to provide a written statement; and
- Review and collection of documentation or information deemed relevant to the investigation.

The Investigator shall consider the totality of circumstances presented in determining whether conduct objectively constitutes bullying or harassment as defined in Board policy. Upon completion of the investigation, the Investigator shall issue a report with respect to the findings, and provide a copy of the report to the appropriate building principal or Superintendent if the investigation involved the building principal

The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. Similarly, evidence uncovered in the investigation shall be kept confidential to the extent reasonably possible.

Decision

The investigator, building principal or superintendent, depending on the individuals involved, shall inform the Complainant and the accused about the outcome of the investigation. If, after an investigation, a student is found to be in violation of the policy, the student shall be disciplined by appropriate measures, which may include 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, which may include termination. If after an investigation a school volunteer is found to be in violation of this policy, the volunteer shall be subject to appropriate measures, which

may include exclusion from school grounds.

Individuals who knowingly file false bullying and/or harassment complaints and any person who gives false statements in an investigation may 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. 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.

NOTE: School districts must include a number of requirements in the district anti-bullying/anti-harassment policy. This regulation builds on the requirements addressed in IASB sample policy 104 by more specifically detailing sample investigation procedures. Districts should ensure that the district's practice is reflective of the policy and regulations that the district's leadership team has established. Please remember that the procedures outlined here should be consistent with the policy.

NOTE: Some conduct that falls under a school's anti-bullying/anti-harassment policy also may trigger responsibilities under one or more of the federal and state antidiscrimination laws. By limiting the response to a specific application of its anti-bullying/anti-harassment disciplinary policy and the accompanying procedures, a school may fail to properly consider whether the alleged conduct also results in discriminatory bullying and/or harassment.

I.C. Iowa Code

Iowa Code § 216.9

Iowa Code § 280.28

Iowa Code § 280.3

I.A.C. Iowa Administrative Code

281 I.A.C. 12.3

U.S.C. - United States Code

20 U.S.C. §§ 1221

29 U.S.C. §§ 794

42 U.S.C. § 12101

42 U.S.C. § 2000d

U.S. Supreme Court

551 U.S. 393

Case Law

Morse v. Frederick

Description

[Unfair/Discriminatory Practices](#)

[Harassment and Bullying Prohibited](#)

[Education Program - Attendance Center Requirements](#)

Description

[Administration](#)

Description

[Education - FERPA - General Provisions](#)

[Labor - Vocation Rehab Rights](#)

[Public Health - Equal Opportunity - Disabilities](#)

[Public Health - Civil Rights - Federally Programs](#)

Description

[Morse v Frederick \(2007\)](#)

Description

551 U.S. 393 (2007)

Cross References

Code	Description
102	<u>Equal Educational Opportunity</u>
102-R(1)	<u>Equal Educational Opportunity - Grievance Procedure</u>
102-EH(1)	<u>Equal Educational Opportunity - Annual Notice of Nondiscrimination</u>
102-EH(2)	<u>Equal Educational Opportunity - Continuous Notice of Nondiscrimination</u>
102-EH(3)	<u>Equal Educational Opportunity - Notice of Section 504 Student and Parental Rights</u>
102-E(4)	<u>Equal Educational Opportunity - Discrimination Complaint Form</u>
102-E(5)	<u>Equal Educational Opportunity - Witness Disclosure Form</u>
102-E(6)	<u>Equal Educational Opportunity - Disposition of Complaint Form</u>
401.01	<u>Equal Employment Opportunity</u>
401.13	<u>Staff Technology Use/Social Networking</u>
401.13-R(1)	<u>Staff Technology Use/Social Networking - Regulation</u>
402.03	<u>Abuse of Students by School District Employees</u>
404	<u>Employee Conduct and Appearance</u>
404-R(1)	<u>Employee Conduct and Appearance - Code of Professional Conduct and Ethics Regulation</u>
404-R(2)	<u>Employee Conduct and Appearance - Code of Rights and Responsibilities Regulation</u>
604.11	<u>Appropriate Use of Online Learning Platforms</u>
605.06	<u>Internet - Appropriate Use</u>
605.06-R(1)	<u>Internet - Appropriate Use - Regulation</u>
605.06-E(1)	<u>Internet - Appropriate Use - Internet Access Permission Letter to Parents</u>
605.06-E(2)	<u>Internet - Appropriate Use - Violation Notice</u>