

**DIOCESE OF DAVENPORT
BOARD OF EDUCATION**

SERIES 400: STAFF PERSONNEL

PROCEDURE 430.1

ANTI-HARASSMENT/BULLYING INVESTIGATION PROCEDURES

Reporting suspected bullying behaviors

- a. An Individual who feels that he/she has been harassed or bullied should report it immediately to a teacher, counselor, administrator; and/or responsible staff member working in the area at the time of the incident
- b. The individual or his/her designee writes down exactly what happened including;
 - o what, when and where it happened;
 - o who was involved;
 - o exactly what was said or what the alleged harasser did;
 - o witnesses to the harassment;
 - o what the individual said or did, either at the time or later;
 - o how the individual felt; and
 - o How the alleged harasser responded.
- c. The individual or his/her designee keeps a copy of the written report and gives another copy to the teacher, counselor, administrator, and/or responsible staff member to whom the verbal report was made.
- d. The teacher, counselor, or responsible adult who receives a complaint of bullying must notify the principal or building investigator.

COMPLAINT PROCEDURE

An individual (parent, teacher, or adult responsible for the supervision of children) who believes that a student has been harassed or bullied will notify the building principal, who is the designated investigator. The alternate investigator is the school counselor, or an individual named by the building principal. The investigator will offer the individual the opportunity to complete the Harassment/Bullying Complaint form and turn over evidence of the harassment, including, but not limited to, letters, tapes, or pictures. The investigator may waive the form and do an intake interview right away if the individual student is reporting the bullying behaviors.

The investigator, with the approval of the Superintendent of Schools, or the Administrator has the authority to initiate an investigation in the absence of a written complaint.

INVESTIGATION PROCEDURE

The investigator will review the difference between conflict and bullying. If it is clear the event(s) reported are not simply a conflict between two students, and it appears that the potential of bullying behaviors exists, the investigator will reasonably and promptly commence the investigation, upon receipt of the complaint.

Pre-Investigation Safety Plan

The investigation begins with considering precautionary measures and, if necessary, the implementation of a pre-investigation safety plan.

Investigator Meets with the Reporting Individual

The investigator next conducts an intake interview of the student, who claims to be the target of bullying behaviors, or the reporting teacher or parent who submitted the claim of bullying behaviors against a targeted student. During the intake interview the investigator will meet with the complainant and explain the process, including:

- Documentation of the allegation; a claim or assertion that an accused student has engaged in bullying behavior, usually made without proof
- Explain his/her role as a neutral factfinder

Policy Adopted: November 15, 2001

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- Assure the complainant of non-retaliation
- Assure that the claim will be handled discreetly but confidentiality cannot be guaranteed because of witness interviews
- Address the filing of false claims and disciplinary action
- Obtain very specific details
 - What happened?
 - Where did this happen?
 - When did this happen?
 - Who is accused of this behavior?
 - Who witnessed this behavior?
- Document the complaint in chronological order.
- Have the complainant review and sign the allegations.
- Communicate deadlines for investigation completion.
- Reevaluate precautionary measures and safety plan. The safety plan should ensure the target's emotional and physical safety during the investigation and must be targeted to the student's individual circumstances, worries and needs. All individuals, who need to know, will be informed of the safety plan and their individual responsibility for implementing and monitoring the plan.

Investigator Interviews Witnesses Individually

- A. Asks about their relationship with the complainant/target and the accused.
- B. Asks witnesses what they observed with their own eyes and heard with their own ears.
- C. Asks the witnesses about the specific allegations.

Investigator Meets with the Accused

- A. Explains the purpose of the meeting.
- B. Explains his/her role as a neutral investigator.
- C. Advises the accused of the non-retaliation policy.
- D. Addresses knowingly providing false information.
- E. Reviews each allegation with the accused and obtains responses from the accused.
- F. Obtains a witness list and follows the procedure for interviewing witnesses.
- G. Has the accused review his/her responses and sign off on his/her responses.
- H. Reevaluates precautionary measures and safety plan.

Determination of the presence of bullying behaviors.

The investigator will:

- A. Analyze collected data.
- B. Assess credibility.
- C. Determine what the preponderance of the evidence indicates.
- D. Determine if there was a violation of the policy for anti-bullying and harassment. If yes, a founded complaint is rendered; if no, an unfounded complaint is rendered.
- E. Complete the investigative report
- F. Disclose the findings to the reporting individual (or designee) and the accused (or designee), while maintaining the confidentiality of all parties.
- G. If the investigation does not yield clear findings in either direction:
 - Advise the accused that the school environment is being monitored to guard against bullying behavior
 - Advise the complainant to report future incidents immediately
 - Meet with the complainant periodically to determine if there are further problems.

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Determine Action Steps with Accused Student if Claim of Bullying Behavior is founded

- A. The principal or designee will determine the need for discipline and will administer the consequences he/she deems necessary for the scope of the bullying activity.
- B. The principal or designee will determine if the student engaged in bullying should receive counseling services.
- C. The principal or designee will develop a post-investigation safety plan that restricts a student in the environment in which they have been engaged in unsafe behavior.
- D. The principal will also follow all state laws regarding reporting of founded complaints

RESOLUTION OF THE COMPLAINT IF A DECISION IS UNABLE TO BE RENDERED

Following receipt of the investigator's report, the administrator may investigate further, if deemed necessary, and make a determination of any appropriate additional steps, which may include discipline.

Prior to the determination of the appropriate remedial action, the administrator may, at the administrator's discretion, interview the complainant and the alleged harasser. The administrator will file a written report closing the case and documenting any disciplinary action taken or any other action taken in response to the complaint. The complainant, the alleged harasser and the investigator will receive notice as to the conclusion of the investigation. The administrator will maintain a log of information necessary to comply with Iowa Department of Education and Diocesan reporting procedures.

POINTS TO REMEMBER IN THE INVESTIGATION

- Evidence uncovered in the investigation is confidential.
- Complaints must be taken seriously and investigated.
- No retaliation will be taken against individuals involved in the investigation process.
- Retaliators will be disciplined up to and including suspension and expulsion.

CONFLICTS

If the investigator is a witness to the incident, the alternate investigator shall investigate.

20 U.S.C. §§ 1221-1234i (2004).

29 U.S.C. § 794 (1994).

42 U.S.C. §§ 2000d-2000d-7 (2004).

42 U.S.C. §§ 12001 *et. seq.* (2004).

Senate File 61, 1st Regular Session, 82nd General Assembly, (2007). Iowa Code §§ 216.9; 280.3 (2007).

281 I.A.C. 12.3(6).

Morse v. Frederick, 127 S.Ct. 2618 (2007)

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