

ANTI-BULLYING/ANTI-HARASSMENT POLICY

The Midland Community School District is committed to providing all students, employees, and volunteers with a safe and civil school environment in which all members of the school community are treated with dignity and respect. Bullying and/or harassing behavior can seriously disrupt the ability of school employees to maintain a safe and civil environment, and the ability of students to learn and succeed.

Bullying and/or harassment of or by students, employees, and volunteers is against federal, state, and local policy and is not tolerated by the board.

Accordingly, school employees, volunteers, and students shall not engage in bullying or harassing behavior while on school property, while on school-owned or school-operated vehicles, while attending or participating in school-sponsored or sanctioned activities, and while away from school grounds if the conduct materially interferes with the orderly operation of the educational environment or is likely to do so.

Complaints may be filed with the superintendent or superintendent's designee pursuant to the regulation accompanying this policy. Complaints will be investigated within a reasonable time frame.

A school employee, volunteer, or student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of bullying or harassment, in compliance with the procedures in the regulation, to the appropriate school official designated by the school district, shall 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.

Retaliation Prohibited

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. Any student found to have violated or retaliated in violation of this policy shall be subject to measures up to, and including, suspension and expulsion. Any school employee found to have violated or retaliated in violation of this policy shall be subject to measures up to, and including, termination of employment. Any school volunteer found to have violated or retaliated in violation of this policy shall be subject to measures up to, and including, removal from service and exclusion from school grounds.

Definitions

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

- "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. "Harassment" and

“bullying” mean any repeated or potentially repeated electronic, written, verbal, or physical act or other ongoing conduct toward an individual based on any trait or characteristic of the individual which creates an objectively hostile school environment that meets one or more of the following conditions:

- (1) Places the individual in reasonable fear of harm to the individual’s person or property.
 - (2) Has a substantial detrimental effect on the individual’s physical or mental health.
 - (3) Has the effect of substantially interfering with the individual’s academic or career performance. Has the effect of substantially interfering with the individual’s ability to participate in or benefit from the services, activities, or privileges provided by a school.
- “Trait or characteristic of the individual” includes but is not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.
 - “Volunteer” means an individual who has regular, significant contact with students.

Publication of Policy

The board will annually publish this policy. The policy may be publicized by the following means:

- Inclusion in the student handbook,
- Inclusion in the employee handbook
- Inclusion in the registration materials
- Inclusion on the school or school district’s web site,
- (other) _____

NOTE: This is a mandatory policy. School districts are required to integrate the anti-bullying and anti-harassment policy into the comprehensive school improvement plan and shall collect and report data regarding instances of bullying and harassment as required by law.

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.

Legal References:

[20 U.S.C. §§ 1221-1234i.](#)

[29 U.S.C. § 794.](#)

[42 U.S.C. §§ 2000d-2000d-7.](#)

[42 U.S.C. §§ 121012 et. seq.](#)

[Iowa Code §§ 216.9; 280.28; 280.3.](#)

[281 I.A.C. 12.3\(6\).](#)

[Morse v. Frederick](#), 551 U.S. 393

Cross References:

102 Equal Educational Opportunity

502 Student Rights and Responsibilities

503 Student Discipline

506 Student Records

ANTI-BULLYING/ANTI-HARASSMENT INVESTIGATION PROCEDURES

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 [link to form on website or designate location such as building 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 *30 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, superintendent, and/or Level I investigator (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.

Additional suggestions for administrative procedures regarding this policy include:

- *Organizing training programs for students, school employees, and volunteers regarding how to recognize bullying and harassing behavior and what to do if this behavior is witnessed; and*
- *Developing a process for evaluating the effectiveness of this policy in reducing bullying and harassing behavior.*

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.

MIDLAND BULLYING/HARASSMENT INCIDENT REPORT FORM

(Complaint Form – Discrimination, Anti-Bullying, and Anti-Harrassment)

Person completing this form: _____ Today's Date: _____

Date of Incident(s): _____ Time of Incident: _____

School: Midland Elementary Midland Middle / High School

Location of Incident (X all that apply):

- | | | |
|------------------------------------|--------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Classroom | <input type="checkbox"/> Cafeteria | <input type="checkbox"/> Parking Lot |
| <input type="checkbox"/> Hallway | <input type="checkbox"/> Locker Room | <input type="checkbox"/> To/From School |
| <input type="checkbox"/> Restroom | <input type="checkbox"/> Bus Stop | <input type="checkbox"/> School Sponsored Event |
| <input type="checkbox"/> Gym | <input type="checkbox"/> On Bus | <input type="checkbox"/> Text/Internet/Social Media |

Name of victim(s): _____ Name of student(s) bullying _____ Name(s) of witnesses/bystanders: _____

Type of Bullying: Verbal Physical (Result in injury? Yes No Relational

Bullying Behaviors (X all that apply):

- | | | | |
|------------------------------------------|-------------------------------------------------|---------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> Shoved/pushed | <input type="checkbox"/> Hit, Kicked, Punched | <input type="checkbox"/> Threatened | <input type="checkbox"/> Stole/Damaged Possessions |
| <input type="checkbox"/> Excluded | <input type="checkbox"/> Taunting/ridiculing | <input type="checkbox"/> Writing/Graffiti | <input type="checkbox"/> Told Lies or false rumors |
| <input type="checkbox"/> Staring/Leering | <input type="checkbox"/> Intimidation/extortion | <input type="checkbox"/> Demeaning comments | <input type="checkbox"/> Inappropriate touching |
| <input type="checkbox"/> Cyber-bullying | <input type="checkbox"/> Text messages | <input type="checkbox"/> Website | <input type="checkbox"/> Email |
- Other: _____

Kind of discrimination, harassment, or bullying alleged (X all that apply):

<input type="checkbox"/> Age	<input type="checkbox"/> Physical attribute	<input type="checkbox"/> Sex
<input type="checkbox"/> Disability	<input type="checkbox"/> Physical/mental ability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Familial Status	<input type="checkbox"/> Political belief	<input type="checkbox"/> Socio-economic background
<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Political party preference	<input type="checkbox"/> Other – please specify:
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Race/Color	
<input type="checkbox"/> National Origin/Ethnic Background	<input type="checkbox"/> Religion/Creed	

Have you reported this behavior to anyone else? No Yes If Yes, please tell who and when and what they did about it. You may attach additional pages if necessary.

Please describe the incident. Please be as specific as possible. You may attach additional pages if necessary.

Is there any physical evidence? Notes Emails Text messages Posts on Social Media

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ **Date:** _____

Please submit this form and any additional pages and/or evidence to the office.

Date received in office: _____ **Received by:** _____

MIDLAND BULLYING/HARASSMENT WITNESS FORM
(Witness Disclosure Form)

Name of Witness: _____ Date of Interview: _____

Name of Complainant: _____ Date of Original Complaint: _____

Date and Place of Incident: _____

Kind of discrimination, harassment, or bullying alleged (X all that apply):

<input type="checkbox"/> Age	<input type="checkbox"/> Physical attribute	<input type="checkbox"/> Sex
<input type="checkbox"/> Disability	<input type="checkbox"/> Physical/mental ability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Familial Status	<input type="checkbox"/> Political belief	<input type="checkbox"/> Socio-economic background
<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Political party preference	<input type="checkbox"/> Other – please specify:
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Race/Color	
<input type="checkbox"/> National Origin/Ethnic Background	<input type="checkbox"/> Religion/Creed	

Description of Incident Witnessed:

Additional information:

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

MIDLAND BULLYING/HARASSMENT INCIDENT FOLLOW-UP
(Disposition of Complaint Form)

Date: _____ Date of initial complaint: _____

Name of Complainant: _____

Date and place of alleged incident(s):

Name of Respondent:

Kind of discrimination, harassment, or bullying alleged (X all that apply):

<input type="checkbox"/> Age	<input type="checkbox"/> Physical attribute	<input type="checkbox"/> Sex
<input type="checkbox"/> Disability	<input type="checkbox"/> Physical/mental ability	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Familial Status	<input type="checkbox"/> Political belief	<input type="checkbox"/> Socio-economic background
<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Political party preference	<input type="checkbox"/> Other – please specify:
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Race/Color	
<input type="checkbox"/> National Origin/Ethnic Background	<input type="checkbox"/> Religion/Creed	

Summary of Investigation:

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

Code No. 104.E3

Follow-up Conference with complainant: Date: _____ Time: _____

Conducted by: _____

People Present w/roles identified:

Comments/Additional Actions / Notes:

Parent Contact: Date: _____ Time: _____ Person making contact: _____

Follow-up Conference with respondent Date: _____ Time: _____

Conducted by: _____

People Present w/roles identified:

Comments/Additional Actions / Notes:

Parent Contact: Date: _____ Time: _____ Person making contact: _____

