

What to Expect During a Bullying and Harassment Investigation

What is considered an incident of bullying and/or harassment? Under state law, bullying and/or harassment is defined as “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.”

Additionally, the actual or perceived trait or characteristic upon which the conduct is based must be one of the following: “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.”

How does the District learn of a possible bullying and/or harassment incident? The process begins when an incident is reported to a staff member. That incident can be reported by a student, a parent, or another staff member. There is no formal initial reporting form. Any report the District receives, regardless of its form, is reviewed.

What happens to anonymous reports and complaints? While the District will review all reports and complaints, including anonymous reports and complaints, typically the review into anonymous reports and complaints is very limited because the details related to anonymous reports and complaints cannot be verified or easily investigated. Therefore, the District encourages individuals who report instances of bullying and/or harassment to provide as much detail as possible in their report.

What if someone who reports an incident of bullying/harassment or who provides information in a bullying/harassment investigation is concerned that adverse action will be taken against them? The District strictly prohibits any form of retaliation against an individual who reports behavior that could be considered bullying/harassment and/or against an individual who participates in any way in an investigation that relates to a bullying/harassment complaint.

Who investigates a bullying and/or harassment incident? After the initial report is reviewed and it is determined that the matter will be appropriately be investigated as an alleged incident of bullying/harassment, the matter is assigned a bullying/harassment investigator. This investigator is typically an employee of the District who has been trained in bullying/harassment investigation procedures. Sometimes the District opts to use an external investigator who is not currently an employee of the District, but who also has been trained in bullying/harassment investigation procedures.

What individuals are contacted regarding the bullying and/or harassment investigation? The bullying/harassment investigator will contact the parents of the student(s) involved in the incident and/or, when the “accused” is not a student, the individuals involved in the incident to inform them that an incident of bullying/harassment has been reported and that the investigator is investigating the allegations. The investigator will schedule interviews with the complainant, the “target” student who was allegedly the target of the bullying/harassment (if different than the complainant), the “accused” student/individual, and any other witnesses the investigator feels would lead to the investigation.

What will happen during an interview with the bullying/harassment investigator? The bullying/harassment investigator will ask questions related to the allegations that were reported. The investigator will use the information provided by the individuals interviewed, as well as other evidence gathered, to determine what happened that gave rise to the alleged bullying/harassment incident. The “target” student may be asked to sign a Bullying/Harassment Complaint Form that outlines the allegations that form the basis for the complaint.

Can a parent be present during a student’s interview? Because bullying/harassment complaints are investigated internally and not by law enforcement officials, parents are generally not present during an interview between the student and the investigator. In some limited situations, a parent may be present during an interview; however, this will occur on a case-by-case basis as determined by the District.

Can a parent get copies of the interview notes? A parent can get copies of the interview notes only if they are part of their child’s student educational record. The District determines, on a case-by-case basis whether interview notes would be part of a student’s educational record. Generally speaking, these notes would not be part of a student’s educational record.

Will the investigator consider any other evidence? The bullying/harassment investigator may gather other evidence, including information found on social media sites, information from computers or other devices, video recordings or any other relevant information. The investigator will use this evidence to determine what happened that gave rise to the alleged bullying/harassment incident and whether the complained of conduct meets the legal definition of bullying and/or harassment.

Will all of the information the District receives be kept confidential? The District will keep information confidential to the extent it can consistent with the requirements of the law. Therefore, while the District and the bullying/harassment investigator cannot guarantee confidentiality, information will be released only to the extent necessary to conduct the investigation and as required by law.

Will the investigator make a finding regarding the alleged bullying and/or harassment? The bullying/harassment investigator will gather all of the data from the investigation and compile a Summary of Findings of Bullying/Harassment Complaint that is submitted only to District administration. The investigator will ultimately make a determination regarding whether the bullying and/or harassment allegations are “founded” or “unfounded.” The allegations will be “founded” if the facts gathered in the investigation demonstrate that bullying and/or harassment as defined in the law has been met. Otherwise, the allegations will be “unfounded.”

How long does the investigator have to make a finding? The bullying/harassment investigator will make a finding in the Summary of Findings of Bullying/Harassment regarding the alleged bullying and/or harassment within a reasonable amount of time after completing the investigation. The total time spent on an investigation will vary depending upon the facts giving rise to the investigation, the number of interviews that are conducted, and other circumstances. Generally speaking, it could take about 10 days from the time the report of bullying/harassment is received to the time the investigator send his/her finding to a District administrator.

Does anyone else review the investigator’s findings? The Summary of Findings of Bullying/Harassment Complaint is reviewed by a District administrator to ensure the facts gathered in the investigation support the investigator’s finding and the investigation was conducted in accordance with District policy and the law.

What happens with a “founded” bullying and/or harassment complaint? Upon receiving a Summary of Findings of Bullying/Harassment Complaint that has been determined to be “founded,” a District administrator will issue a letter to the parents of the student(s) involved in the incident and/or, when the “accused” is not a student, the individuals involved in the incident to inform them that the investigation has been completed and that the matter is being appropriately addressed by the District’s administration. In the instance of a “founded” complaint, remedial measures will be taken to correct the behavior. The District may put in place a response plan that will limit further interaction between the parties involved. In addition, the District may impose discipline for the “accused” student or individual based upon the bullying/harassment and/or a violation of other District policies or procedures.

What happens with an “unfounded” bullying and/or harassment complaint? Upon receiving a Summary of Findings of Bullying/Harassment Complaint that has been determined to be “unfounded,” a District administrator will issue a letter to the parents of the student(s) involved in the incident and/or, when the “accused” is not a student, the individuals involved in the incident to inform them that the investigation has been completed and that the matter is being appropriately addressed by the District’s administration. In some cases, while the behavior does not rise to the level of bullying and/or harassment, the behavior may violate other District policies or procedures. In such cases, the District may impose discipline for the “accused” student or individual based upon a violation of other District policies or procedures.

Will the student and/or the parents of the student who was the target of the bullying and/or harassment know what measures are taken? The District will communicate with the parents of the “target” student any plans that the District puts in place in order to limit further interaction between the parties if the plan involves action on the part of the “target” student. The District will not communicate with the parents of the “target” student information regarding any discipline imposed on the “accused” student or individual because this information is confidential under state and federal laws.

What information and documentation will parents receive? Prior to beginning the investigation, the bullying/harassment investigator will contact the parents of the student(s) involved in the incident to inform them that an incident of bullying/harassment has been reported and that the investigator is investigating the allegations. In addition, after the investigation has been completed, a District administrator will send a letter to the parents to inform them that the investigation has been completed and that the matter is being appropriately addressed by District administration. If any discipline is imposed on the “accused” student, the parents of the “accused” student will receive appropriate notifications regarding that discipline that are required by law and/or District policies or procedures. Parents are always able to request copies of their student’s educational records; however, the student’s educational records may not contain information related to the investigation beyond that which the parents have already received.

Where can I find more information about the District’s bullying and harassment policies? The District has in place Board policies and procedures that relate to bullying and harassment. These can be found on the District’s website (<http://www.cr.k12.ia.us/assets/1/6/Policyhandbook.pdf>) and are found in Policy 612, Regulation 612.1, and Procedure 612.1a.