

# NORWALK SCHOOL DISTRICT ANTI-BULLYING/HARASSMENT PROCEDURES HANDBOOK

July 2020

It is the policy of the Norwalk Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact the district's Equity Coordinator, Jody Ratigan, Human Resources Dept., 380 Wright Rd., Norwalk, IA 50211, 515-981-0676, [jratigan@norwalk.k12.ia.us](mailto:jratigan@norwalk.k12.ia.us).

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## SCHOOL BOARD POLICY

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### **Norwalk Policy**

“Harassment” and “bullying” mean any electronic, written, verbal, or physical act or other conduct toward a student 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.

“Trait or characteristic of the student” 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.

[Norwalk Board Policy – 104](#)

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### **Norwalk Policy - Investigation**

Norwalk School Board Policy 104.R1 provides more specifics on filing complaints, investigations, decisions, and protecting against retaliation or false complaints.

*Note: Retaliation or filing a false complaint will be subject to discipline, which includes measures up to, and including, suspension or expulsion.*

[Norwalk Board Policy – 104.R1](#)

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## BULLYING

<b>Bullying defined</b>	<p>Bullying is a persistent pattern of unwelcome aggressive behavior that often involves an imbalance of power, and/or the intention to harm or humiliate someone. Characteristics of a bullying situation include:</p> <ul style="list-style-type: none"> <li>● An imbalance of power;</li> <li>● The intent to harm;</li> <li>● Worsens with repetition over time;</li> <li>● The distress of the child or teen being bullied, often including fear or terror;</li> <li>● Enjoyment of the effects on the child or teen being bullied by the person (people) doing the bullying;</li> <li>● The threat-implicit or explicit-of further aggression</li> </ul>
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<https://www.safeatschool.ca/plm/interrupting-bullying/simple-strategies/conflict-vs-bullying>

<b>Conflict is not bullying</b>	<p>Conflict is generally a disagreement or difference in opinion between peers who typically have equal power in their relationships. It's usually an inevitable part of a group dynamic. Both parties have power to influence the situation.</p>
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<https://www.erasebullying.ca/bullying/bullying-vs.php>

## CONFLICT V. BULLYING

Normal Peer Conflict	Bullying (including Relational Bullying)
Equal power or friends	Imbalance of power. Not friends or were friends and relational bullying now in place.
Happens occasionally	Negative actions that are repeated or have the potential to be repeated.
Accidental	Purposeful
Not serious	Serious with threat of physical or emotional harm.
Equal emotional reaction	Strong emotional reaction or indication of impact and little or no emotional reaction from perpetrator.
Not seeking power or attention	Attempt to gain power, dominance, control, and social status/power.
Not trying to get something	May attempt to gain material things.
Remorse-will take responsibility	No remorse- typically blames the target.
Effort to solve the problem	No or little effort to SOLVE the problem

From the [Iowa Dept. of Education Bullying Checklist](#)

## HARASSMENT

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**Harassment** Generally the difference between bullying and harassment under the law is that *harassment is a form of prohibited discrimination when the actions are based on the target's membership in a legally protected class.*

Under other applicable federal and state laws, “harassment” may be a form of discrimination where the conduct is: (1) unwelcome, (2) based on an individual’s membership in a legally protected class, and, (3) so severe or pervasive as to create a hostile educational environment for the target of the conduct.

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**Harassment v. Bullying** Iowa Code 280.28 uses the terms “bullying” and “harassment” interchangeably.

The difference between bullying and harassment is not necessarily found in the nature of the conduct but the purpose of the conduct (“why” it is happening) as it relates to the identity of the target.

Examples of bullying Student A engages in a pattern of making unwelcome and hurtful remarks toward Student B because Student B gets really good grades, or is overweight or underweight, or is not athletic, then: this conduct could meet the definition of “bullying,” if one of the four conditions in Iowa Code 280.28-2(b) are met.

Example of harassment Student A engages in a pattern of making unwelcome and hurtful remarks toward Student B because Student B has a disability or is from another country or is gay or has a different religious belief, etc., then Student A’s conduct may constitute discriminatory harassment if it is so severe or pervasive as to create a hostile educational environment (which would also meet one of the four conditions in Iowa Code 280.28-2(b)) for Student B.

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**Discriminatory Harassment** Conduct based on the target’s membership in a protected class that violates 280.28 may also constitute discriminatory harassment under the Iowa Civil Rights Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act/Americans with Disabilities Act, or other applicable non-discrimination law. In such cases, a parent or student could file a complaint with the appropriate federal, state, or local anti-discrimination agency e.g., the Iowa Civil Rights Commission.

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## COMPLAINTS

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### **Filing**

“Complaints shall be filed:

- within 300 working days of the event giving rise to the complaint or
- from the date the Complainant could reasonably become aware of such occurrence.”

[Norwalk Board Policy – 104.R1](#)

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### **Expectations for District Staff who Learn of or Witness Bullying/Harassment**

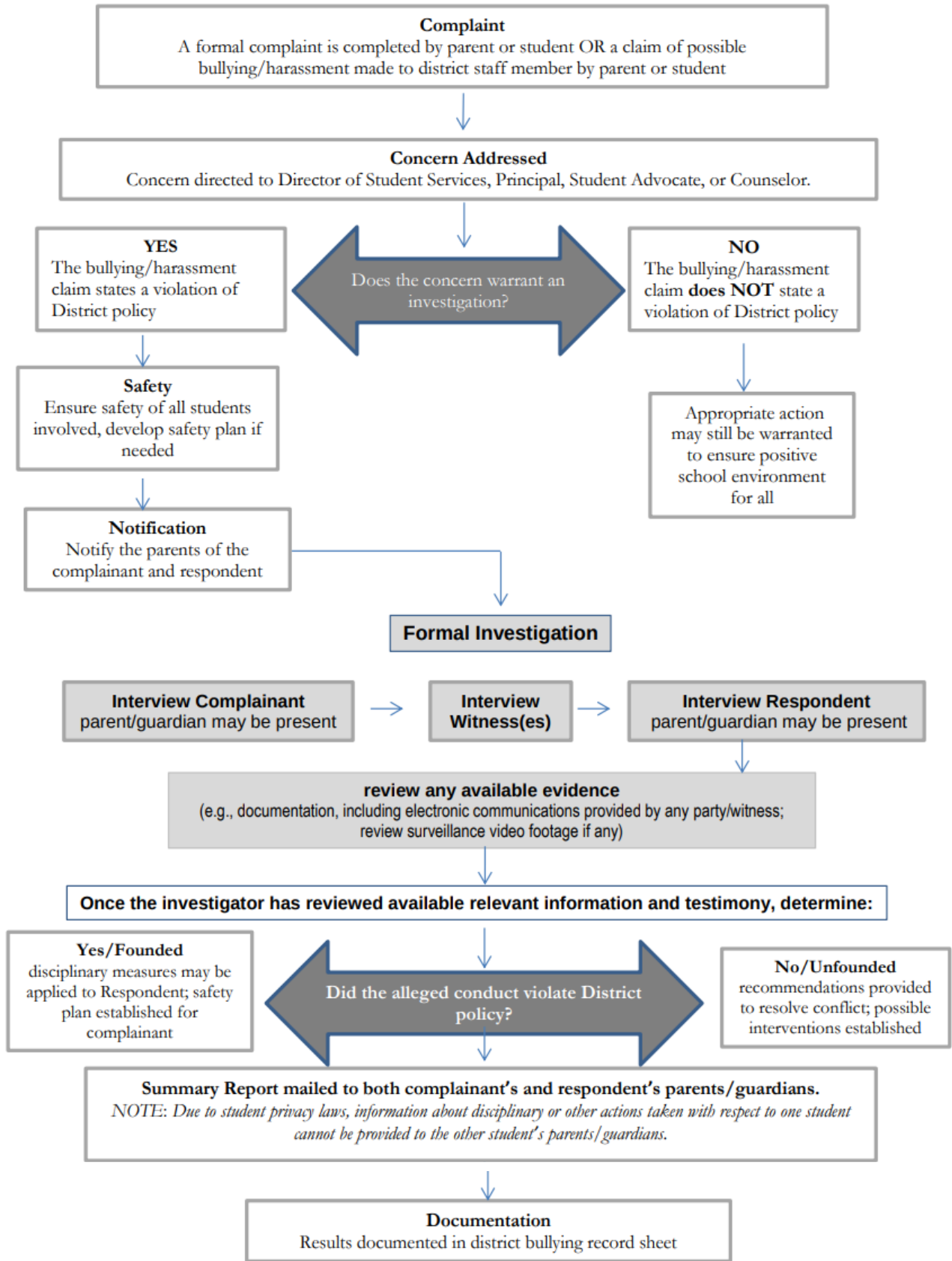
1. Intervene as soon as possible
  2. Separate and ensure safety for all students involved
  3. Model appropriate behavior and stay emotionally objective
  4. Promptly report all incidents of suspected bullying/harassment witnessed or reported to staff member or to building administration
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### **Response to complaints**

All situations reported to building administration should be responded to in a timely manner. Building administration should respond appropriately and promptly to ensure that the student is safe. When a complaint is made, an interim safety plan should be developed where necessary to ensure student safety and well-being while the complaint is investigated and resolved.

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## INVESTIGATION FLOWCHART



## INVESTIGATION

(School Board Policy 104.R1)

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<b>Investigator</b>	The Director of Student Services will be responsible for handling all formal complaints alleging bullying or harassment, unless the Superintendent designates an alternative investigator who has appropriate training and experience in conducting bullying/harassment investigations, and can also ensure a prompt, neutral, and equitable investigation.
<b>Minors</b>	If the Complainant or Respondent is under 18 years of age, the Investigator shall notify his or her parent(s)/guardian(s) that they <i>may</i> attend investigatory meetings in which their student is involved.
<b>Investigator Responsibilities</b>	<ol style="list-style-type: none"><li>1. Promptly inform superintendent and building principal of the complaint.</li><li>2. Review and follow all district policies in conducting the investigation.</li><li>3. Conduct a neutral, reasonable, and impartial investigation in a timely manner.</li><li>4. Gather and consider relevant evidence, including documents, electronic communications, and other information.</li><li>5. Give fair consideration to the evidence and witnesses presented by both parties.</li><li>6. Document interactions with students, staff members, and other adults relating to the investigation in writing.</li><li>7. Use the Investigation <a href="#">Interview Notes Template</a>, especially the Q &amp; A format when interviewing witnesses. (Be sure to “recopy and save” in the new folder for the new complaint investigation.)</li><li>8. Document interview questions prior to interviewing a witness.</li><li>9. Use interview techniques appropriate to the age, physical and mental status, and other characteristics of the students involved.</li><li>10. Record each interview using digital recorder or other recording device.</li><li>11. Have all witnesses write down what they saw or heard on a witness statement form.</li><li>12. Remind the complainant, respondent, and each witness of the District’s strict no-retaliation policy and who they can contact if they believe they have been subject to retaliation.</li><li>13. Do not promise absolute confidentiality. However, take all reasonable measures to treat all information relating to the investigation with sensitivity and discretion, and maintain confidentiality to the extent possible.</li><li>14. Make findings on disputed facts by weighing all evidence and making credibility determinations to determine whether District policy has been violated. State findings with specificity in a written report.</li></ol>

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## INVESTIGATION CHECKLIST

The following checklist and forms should be filled out and used during an investigation of bullying/harassment complaint between students which is handled at the building level.

- \_\_\_\_\_ 1. Receive **COMPLAINT FORM** from parents or student. Discuss complaint with the Complainant. If the complainant's report states conduct that would be a violation of District policy if founded, proceed to the next step.
- \_\_\_\_\_ 2. Ensure safety for all students involved. Develop an interim safety plan if appropriate under the circumstances until the investigation is complete.
- \_\_\_\_\_ 3. Contact the parent or guardian of the complainant and advise them of the complaint and the complaint process. Gather any additional information and evidence from the complainant that may be relevant to the investigation.
- \_\_\_\_\_ 4. Contact the parent or guardian of the respondent and advise them of the complaint and the complaint process.
- \_\_\_\_\_ 5. Use the **WITNESS DISCLOSURE FORM** when interviewing witnesses. Document the information provided by the witness and have the witness sign the form if the witness believes the information to be accurate.
- \_\_\_\_\_ 6. Use the **RESPONDENT INTERVIEW FORM** to review the allegations with the respondent. Document the responses provided by the respondent and ask the respondent to sign the form if the respondent believes the information to be accurate.
- \_\_\_\_\_ 7. Weigh all evidence and make credibility determinations as necessary to make findings on disputed material facts.<sup>1</sup> A finding that District policy has been violated must be based on a preponderance of credible evidence.
- \_\_\_\_\_ 8. Complete the **DISPOSITION OF COMPLAINT FORM** and send copies to complainant, the complainant's parents/guardians, the respondent, and the respondent's parent/guardian. Two separate in-person meetings with complainant and respondent should be considered in order to review findings and discuss necessary actions.
- \_\_\_\_\_ 9. Enter the relevant information about this bullying incident into a district data sheet.
- \_\_\_\_\_ 10. Give a copy of the **DISPOSITION OF COMPLAINT FORM** to superintendent.
- \_\_\_\_\_ 11. After the complaint has been processed and all necessary actions complete, file the information in a separate file away from other school records.
- \_\_\_\_\_ 12. Develop interventions for the complainant and the respondent as necessary. Appropriate interventions must be designed to help stop, prevent, and remedy the effects of bullying/harassment. Interventions may also be appropriate where the conduct does not rise to the level of bullying/harassment, but where additional support would help promote a safe and welcoming school environment for the student(s) involved.

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<sup>1</sup> A fact is "disputed" if the complainant and respondent disagree about the fact. A fact is "material" if it would have an effect on the outcome of the investigation.

## FOUNDED DECISIONS

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<b>Steps</b>	<ol style="list-style-type: none"><li>1. Ask the Complainant what can be done to make him or her feel safe.</li><li>2. Minimize changes to the Complainant's school day.</li><li>3. Establish a safety plan for the Complainant if appropriate.</li><li>4. Establish a behavior contract for the Respondent if appropriate.</li><li>5. Periodically follow up with the complainant and respondent following the conclusion of the investigation to ensure that concerns have been resolved and no new conduct in violation of District policy is occurring.</li></ol>
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## RESOURCES

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<b>Iowa</b>	<ul style="list-style-type: none"><li><a href="#">Iowa DE webpage</a></li><li><a href="#">Iowa Law regarding bullying and harassment in schools</a></li><li><a href="#">District Bullying Checklist</a></li></ul>
<b>National</b>	<ul style="list-style-type: none"><li><a href="#">Stop Bullying</a></li></ul>

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**COMPLAINANT FORM**  
**(Discrimination, Anti-Bullying, and Anti-Harassment)**

Date of complaint:	
Name of Complainant:	
Are you filling out this form for yourself or someone else (please identify the individual if you are submitting on behalf of someone else):	
Who or what entity do you believe discriminated against, harassed, or bullied you (or someone else)?	
Date and place of alleged incident(s):	
Names of any witnesses (if any):	

Nature of discrimination, harassment, or bullying alleged (check all that apply):

	Age		National Origin/Ethnic Background/ Ancestry		Race/Color
	Disability		Physical Attribute		Religion/Creed
	Familial Status		Physical/Mental Ability		Sex
	Gender Identity		Political Belief		Sexual Orientation
	Marital Status		Political Party Preference		Socio-economic Background
	Other – Please Specify:				

In the space below, and back of this sheet, please describe what happened and why you believe that you or someone else has been discriminated against, harassed, or bullied. Please be as specific as possible and attach additional pages if necessary.

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**Retaliation against any person because of the person’s involvement in this investigation is prohibited and will not be tolerated by the district.**

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## WITNESS/RESPONDENT DISCLOSURE FORM

Name of Witness/Respondent:	
Date of interview:	
Date of initial complaint:	
Name of Complainant (include whether the Complainant is a student or employee):	
Date and place of alleged incident(s):	

Nature of discrimination, harassment, or bullying alleged (check all that apply):

	Age		National Origin/Ethnic Background/ Ancestry		Race/Color
	Disability		Physical Attribute		Religion/Creed
	Familial Status		Physical/Mental Ability		Sex
	Gender Identity		Political Belief		Sexual Orientation
	Marital Status		Political Party Preference		Socio-economic Background
	Other – Please Specify:				

In the space below, and back of this sheet, please describe what happened and why you believe that you or someone else has been discriminated against, harassed, or bullied. Please be as specific as possible and attach additional pages if necessary.

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**Retaliation against any person because of the person's involvement in this investigation is prohibited and will not be tolerated by the district.**

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

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## DISPOSITION OF COMPLAINT FORM

Date:	
Date of initial complaint:	
Name of Complainant (include whether the Complainant is a student or employee):	
Date and place of alleged incident(s):	
Name of Respondent (include whether the Respondent is a student or employee):	

Nature of discrimination, harassment, or bullying alleged (check all that apply):

<input type="checkbox"/>	Age	<input type="checkbox"/>	National Origin/Ethnic Background/ Ancestry	<input type="checkbox"/>	Race/Color
<input type="checkbox"/>	Disability	<input type="checkbox"/>	Physical Attribute	<input type="checkbox"/>	Religion/Creed
<input type="checkbox"/>	Familial Status	<input type="checkbox"/>	Physical/Mental Ability	<input type="checkbox"/>	Sex
<input type="checkbox"/>	Gender Identity	<input type="checkbox"/>	Political Belief	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Political Party Preference	<input type="checkbox"/>	Socio-economic Background
<input type="checkbox"/>	Other – Please Specify:				

Summary of Investigation (including complainant/respondent interviews, witness interviews, and evidence):

Findings (list any undisputed material facts, make findings on disputed material facts, and describe any credibility determinations or other information necessary to resolve this complaint. For complaints involving multiple allegations, make sure to make findings on each allegation):

Did this act or conduct:

- Place the student in reasonable fear of harm to the student’s person or property? If yes, explain how:
- Have a substantially detrimental effect on the student’s physical or mental health? If yes, explain how:
- Have the effect of substantially interfering with the student’s academic performance? If yes, explain how:

- Have the effect of substantially interfering with the student's ability to participate in or benefit from the District services, activities or privileges? If yes, explain how:

Decision: Based on a preponderance of the evidence, this complaint is:

- \_\_\_\_\_ Founded
- \_\_\_\_\_ Unfounded
- \_\_\_\_\_ Inconclusive

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_