



SAYDEL COMMUNITY
SCHOOL DISTRICT

**District Wide
Anti-Bullying
Anti-Harassment
Policy and Procedures
Handbook**

September 2023

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PURPOSE STATEMENT

“The purpose of this policy is to create and maintain a positive learning environment, and to promote understanding and respect for all students.”

“The Saydel Community School District will not tolerate bullying and harassment. Any student of the Saydel Community School District who believes that he/she has been bullied or harassed shall immediately report his or her complaint to the building principal. The report will be promptly investigated.”

PHILOSOPHY

Every Child deserves to

- feel safe at school
- participate fully in services, activities, or privileges provided by the school
- have the same academic opportunity
- have staff advocate and report on behalf of the student in incidents of bullying and harassment
- to have bullying and harassment allegations addressed seriously through a sound investigation process and board policy
- the right to due process under a sound investigation process and board policy if accused of bullying and harassment

LEGISLATION

Iowa Law

“Harassment” and “bullying” shall be construed to mean 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.

“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.

[Iowa Code 280.28-2\(b\)\(c\)](#)

Senate File 496 Requires a school official to notify the parents or guardians of a student enrolled in a school district within twenty-four hours after the school official receives a report that the student may have been the victim of conduct that constitutes harassment or bullying

[Senate File 496](#)

Saydel Policy

Saydel School Board Policies provide more specifics on filing complaints, investigations, decisions, and protecting against retaliation* or false complaints.

*Retaliation against any person because of the person’s involvement in a complaint or investigation relating to bullying/harassment is prohibited and will not be tolerated by the School District.

[Board Policies 105, 105.E1, 105.E2, 105.E3, 105.R1, and 105.R2](#)

BULLYING

Bullying is:

1. Unwanted/unwelcome behavior **AND**
2. Negative and/or agreeable behavior **AND**

3. Severe, persistent, or pervasive behavior
 - a. Incidents happen more than once **OR** have the potential to happen more than once **OR**
 - b. Physical injury, the potential for physical injury, or verbal threats of physical harm **OR**
 - c. Multiple targets or multiple students accused of bullying **OR**
 - d. Bullying behavior that allegedly occurs in multiple locations/settings **AND**
4. Perceived or actual imbalance of power
 - a. Power can be the use of physical strength, access to embarrassing information, or popularity to control or harm others.
 - b. Power imbalances can change over time and in different situations, even if they involve the same people.

Bullying is NOT:

1. Conflict
 - a. Disagreement or antagonism between two or more people who have equal power
 - b. All parties involved have some responsibility for the encounter
 - c. No seeking power or attention
 - d. Remorse - will take responsibility
 - e. Efforts to solve the problem
2. Age-appropriate behavior mistakes
 - a. All students make mistakes
 - b. Mistakes are not intentional, bullying is

HARASSMENT

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.

Iowa Code 280.28 uses the terms “bullying” and “harassment” interchangeably.

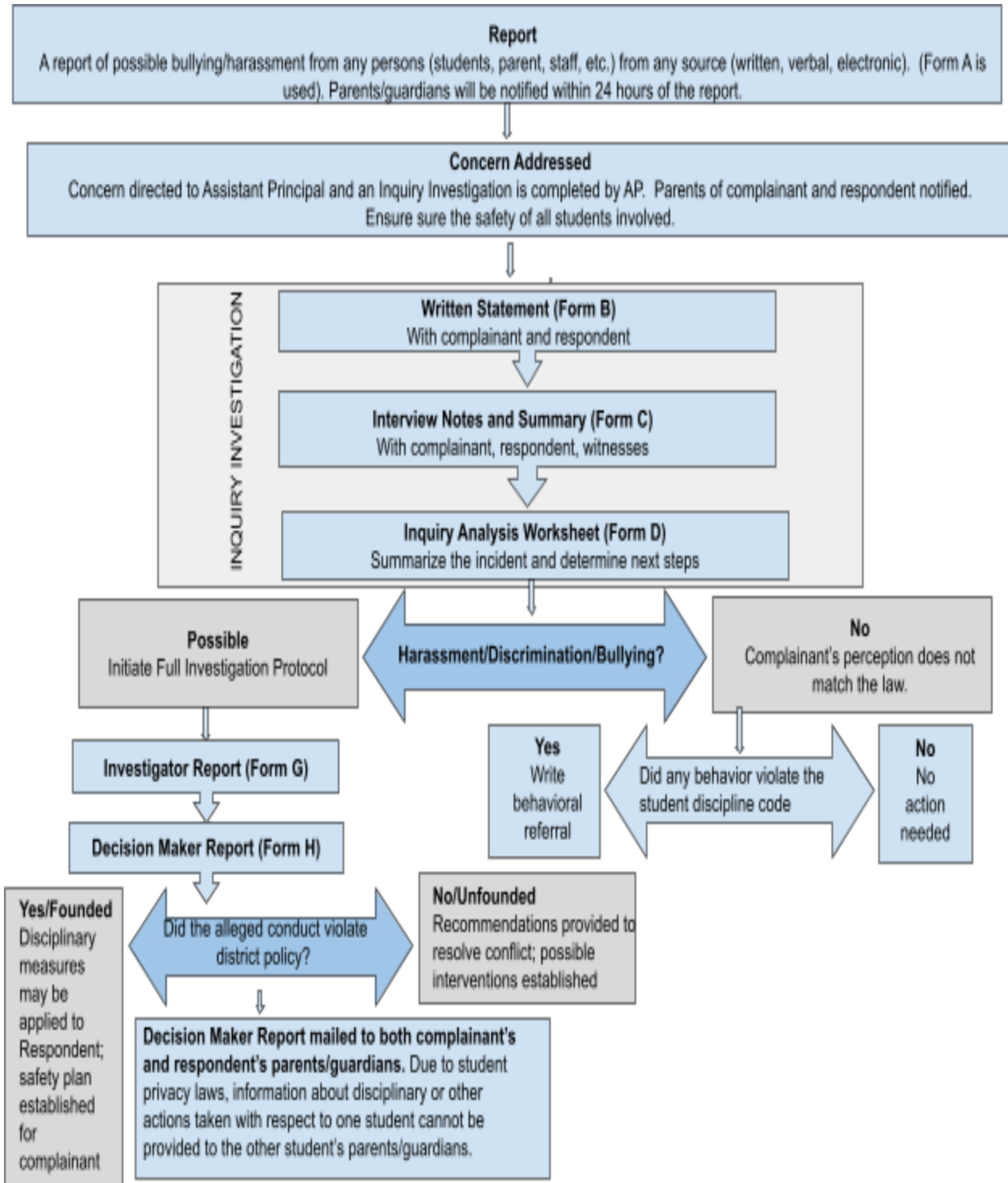
The difference between bullying and harassment is not necessarily found in the nature of the conduct but in the purpose of the conduct (“why” is it happening) as it relates to the identity of the target.

Examples of bullying: Student A engages in a pattern of making unwelcome and hurtful remarks towards 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(b) are met.

Examples 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 education environment (which would also meet one of the four conditions in Iowa Code 280.28(b) for Student B.

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.

INVESTIGATION FLOWCHART



ROLES AND RESPONSIBILITIES

Student(s):	<ul style="list-style-type: none"> ● Make a detailed and accurate report to the investigator ● Complete a written statement ● Be an active and willing participant during the investigation this may include several interviews
Parent(s):	<ul style="list-style-type: none"> ● Partner with student in providing an accurate report to the investigator ● Allow time for the investigation to take place: trust the process ● Allow your student to be an active participant during the investigation, this may include several interviews. As a parent you have the right to be present.
Investigator (associate principal)	<ul style="list-style-type: none"> ● Conduct reliable, prompt, fair, and impartial investigations ● Review complaint ● Work with Title IX Coordinator to develop a plan for an investigation ● Identify and interview parties and witnesses ● Assess relevance and credibility ● Identify, organize, and compile relevant information ● Maintain accurate and thorough investigation records and notes ● Share the evidence with the parties and their advisors ● Provide notices to the parties (may be done in conjunction with Title IX Coordinator) ● Create an investigative report that fairly summarizes relevant evidence
Title IX coordinator (district office director)	<ul style="list-style-type: none"> ● Provide district-wide oversight and assurance of compliance ● Report to the superintendent ● Have Title IX Coordinator contact information identified in policies and publications ● Prevent and remedy all sex/gender-based discrimination and harassment ● Be the contact for government inquiries ● Be the point person for receipt of complaints and have a system to receive complaints at all times ● Identify and address patterns ● Promptly conducts initial review of complaints ● Determine mandatory dismissal/emergency removal ● Offer supportive measures to complainant and respondent ● Create a structure of documentation and reporting ● Create and implement appropriate policies ● Provide training oversight for teachers, staff, students, investigators, decision-makers, appeals officers, and parents/guardians ● Provide oversight and coordination of prompt and equitable grievance procedures for teachers, students, and staff

	<ul style="list-style-type: none"> ● Appoint and oversee unbiased and conflict-free investigators and investigations ● Coordinate an investigation plan ● Send notices (i.e. notice of allegations) ● Review all reports and decisions ● Assurance of timeline compliance ● Assurance of compliance with final sanctions ● Responsible for retaining record for at least 7 years and documenting why the response was not deliberately indifferent ● Ensure athletic gender equity
<p>Title IX Decision-Maker (lead principal)</p>	<ul style="list-style-type: none"> ● Determine whether district policy has been violated based upon the applicable standard of evidence ● Base decisions upon an independent assessment of the evidence gathered during the investigation and/or provided during a hearing ● Assess the credibility of the parties and witnesses ● Decisions must be based on the specific policy alleged to have been violated ● Decisions must be impartial and free of substantive bias ● If applicable, determine appropriate sanctions/discipline when a policy violation is found ● Draft a written determination that outlines the rationale for the finding(s)
<p>Appeals Officer/ Appellate Decision-Maker (superintendent)</p>	<ul style="list-style-type: none"> ● Provide written notice of right to appeal to both parties ● Make a determination on a party's request for an appeal ● Review written submissions from parties ● May review investigation report or other evidence gathered during investigation/hearing that is on the record ● May need to speak with an investigator. Parties, or witnesses ● Review of the case should be limited to the grounds noted in the appeal request. Not a full review. ● Draft a written determination that outlines the rationale for the outcome ● Provide written decision to parties at the same time
<p>Informal Resolution Facilitators (social worker or mediator)</p>	<ul style="list-style-type: none"> ● Obtain voluntary, written consent of the parties to resolve the matter anytime before a determination of responsibility is made ● Process does not involve full investigation or adjudication ● Include a written notice to the parties disclosing the allegations, the requirements of the process, and notice that the parties can withdraw and resume the grievance process ● May consider the use of a trained mediator or trained restorative justice facilitator, if requested and appropriate

STAFF AND STUDENT EDUCATION

Per the Saydel Community School District Anti-Bullying/Harassment Board Approved Policy Code No. 105.E1, the district will provide the following education:

- Anti-bullying policies and procedures available to all students in the student handbook
- Anti-bullying training for all staff members

CONTACT INFORMATION

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