

## **COMPLAINT, INVESTIGATION, AND APPEAL PROCEDURES**

The District will investigate and respond to all incidents or complaints of discrimination, harassment, bullying, hazing, and similar conduct under common complaint, investigation, and appeal procedures, as set forth below.

### **1. Complaints/Reporting**

Any individual who believes a student has been or is the victim of discrimination, bullying, harassment, hazing, or similar conduct should immediately report the situation to the building principal or designee (acting as the school-level nondiscrimination coordinator), the District Nondiscrimination Coordinator(s), or the Superintendent, and/or complete the School District's Harassment, Intimidation and Bullying report form, which is available online at [www.msddecatur.k12.in.us](http://www.msddecatur.k12.in.us). A complaint may be filed by any student, parent, employee, or other individual with knowledge of the alleged conduct. Any student may also report concerns to teachers and other school staff, who will be responsible for notifying the building principal or designee, acting as the school-level nondiscrimination coordinator, for review, investigation and action. Each investigating official will be a neutral party who had no personal involvement in the complaint presented. Complaints against the principal's designee, if any, will be filed with the principal. Complaints against the building principal, if any, will be filed with the Superintendent. Complaints against the District Nondiscrimination Coordinator(s), if any, will be filed with the Superintendent. Complaints against the Superintendent, if any, will be filed with the School Board President. Such reports should be reasonably specific, including person(s) involved, number of times and places of the alleged conduct, the name(s) of the student(s) targeted for the alleged conduct, and the names of any potential student, staff, or other witnesses.

No School District employee will permit, condone, or tolerate discrimination, harassment, bullying, hazing, or similar conduct. Any School District employee who observes an act of discrimination, harassment, bullying, hazing, or similar conduct will intervene to attempt to stop the act and will report it to the appropriate person, as specified above. Likewise, any employee who receives a report of an act of discrimination, harassment, bullying, hazing, or similar conduct, will report it to the appropriate person identified above.

Students, parents/guardians, and school personnel may make informal complaints of conduct that they consider to be discrimination, harassment, bullying, hazing, or similar conduct by verbal report to a teacher, school administrator, or other school personnel. Such informal complaints should be reasonably specific, including person(s) involved, number of times and places of the alleged conduct, the name(s) of the student(s) targeted for the alleged conduct, and the names of any potential student, staff, or other witnesses. A school staff member or administrator who receives an informal complaint will promptly document the complaint in writing, including the information provided. This written report will be promptly forwarded by the school staff member and/or administrator to the building principal or designee, acting as the school-level nondiscrimination coordinator, for review, investigation, and appropriate

action. The employee may forward the written report to the District Nondiscrimination Coordinator(s), Superintendent, or Board President if the school-level nondiscrimination coordinator is not a neutral party.

Any student, who makes a formal or informal complaint may request that his or her name be maintained in confidence by the school staff member(s) and administrator(s) who receive and investigate the complaint. Anonymous complaints will be reviewed and reasonable action will be taken to address the situation, to the extent such action may be taken that (1) does not disclose the source of the complaint, and (2) is consistent with the due process rights of the student(s) alleged to have committed acts of harassment, intimidation, bullying, hazing, or similar conduct.

When a student making an informal complaint has requested anonymity, the investigation of such complaint will be limited as is appropriate in view of the anonymity of the complaint. Such limitation of investigation may include restricting action to a simple review of the complaint subject to receipt of further information and/or the withdrawal by the complaining student of the condition that his/her report be anonymous.

Apparent permission or consent by a student subjected to discrimination, harassment, bullying, hazing, or similar conduct does not lessen the prohibitions contained in this policy.

## **2. Investigation**

Upon receipt of a complaint or report of discrimination, harassment, bullying, hazing, or similar conduct, the school district will undertake or authorize an investigation by the building principal or designee, acting as the school-level nondiscrimination coordinator, the District Nondiscrimination Coordinator(s), or a third party designated by the school district.

- a. All complaints of discrimination, harassment, bullying, hazing, or similar conduct will be promptly investigated. The building principal or designee, acting as the school-level nondiscrimination coordinator will prepare a written report of the investigation upon completion. Such report will include findings of fact, a determination of whether acts of discrimination, harassment, bullying, hazing, or similar conduct were verified, and, when prohibited acts are verified, a recommendation for appropriate disciplinary action or other non-disciplinary interventions or supports will be included in the report. Where appropriate, written witness statements will be attached to the report.
- b. If the investigation finds an instance of discrimination, harassment, bullying, hazing, or similar conduct has occurred, it will result in prompt and appropriate disciplinary action or other non-disciplinary interventions and support. This may include up to expulsion for students, up to discharge for employees, up to exclusion for parents, guests, volunteers, and contractors, and up to removal

from any official position and/or a request to resign for School Board members. Individuals may also be referred to law enforcement officials where appropriate.

- c. The investigation process will begin within two (2) school days after the complaint is made. The investigation will be completed within thirty calendar days of the complaint being received. The building principal or designee, acting as the nondiscrimination coordinator, or the District Nondiscrimination Coordinator(s), will notify the parent/guardian of the targeted student(s) when the investigation has concluded, including, where appropriate, information on the actions taken to resolve the complaint. In providing such notification, the District employees will take care to respect the statutory privacy rights of all students, including the targeted student, the student(s) who engaged in the prohibited conduct, and witnesses.
- d. If after investigation, the district determines that a student has engaged in prohibited discrimination, harassment, bullying, hazing, or similar conduct, the building principal or designee, acting as the school-level nondiscrimination coordinator, or the District Nondiscrimination Coordinator(s), will notify that student's parent/guardian of that finding. If disciplinary consequences or non-disciplinary interventions and supports are imposed against such student, a description of such discipline will be included in the notification. In providing such notification, the District employees will take care to respect the statutory privacy rights of all students, the targeted student, the student(s) who engaged in the prohibited conduct, and witnesses.
- e. Retaliation against any person who reports, or is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of discrimination, harassment, bullying, hazing, or similar conduct, is prohibited and will not be tolerated. Such retaliation will be considered a serious violation of School Board policy and independent of whether a complaint is substantiated. Suspected retaliation will be reported and investigated in the same manner as discrimination, bullying, harassment, hazing, or similar conduct.
- f. Board policies prohibiting discrimination, harassment, bullying, hazing, or similar conduct, and their related administrative guidelines, if any, will not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by State or Federal law).

### **3. Appeal**

If the complainant is not satisfied with the decision, he/she may submit a written appeal to the Superintendent or the District Nondiscrimination Coordinator(s). Such appeal must be filed within ten (10) business days after receipt of the decision. The Superintendent or District Nondiscrimination Coordinator(s) will arrange such meetings with the complainant and other affected parties as deemed necessary to review and discuss the appeal. The Superintendent or District Nondiscrimination Coordinator(s) will provide a written decision to the complainant's appeal within ten (10) business days of the appeal being filed.

If the complainant is not satisfied with the decision of the Superintendent or District Nondiscrimination Coordinator(s), a written appeal may be filed with the School Board. Such appeal must be filed within ten (10) business days after receipt of the decision of the Superintendent or District Nondiscrimination Coordinator(s). The School Board will, within twenty (20) business days, conduct a hearing at which time the complainant will be given an opportunity to present the complaint. The School Board will provide a written decision to the complainant within ten (10) business work days following completion of the hearing.

### **4. Privacy/Confidentiality**

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the School Board's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations. All records generated under the board policies prohibiting discrimination, harassment, bullying, hazing, and similar conduct, and their related administrative guidelines, if any, will be maintained as confidential to the extent permitted by state and Federal law.

### **5. Immunity**

A School District employee, student, or volunteer will be individually immune from liability in a civil action for damages arising from reporting an incident in accordance with the board policies prohibiting discrimination, harassment, bullying, hazing, and similar conduct, and their related administrative guidelines, if any, if that person reports an incident of discrimination, harassment, bullying, hazing, or similar conduct promptly, in good faith, and in compliance with the procedures specified in this administrative guidelines. Such immunity from liability will not apply to an employee, student, or volunteer determined to have made an intentionally false report of discrimination, harassment, bullying, hazing, or similar conduct.

### **NOTIFICATION**

Notice of all board policies prohibiting discrimination, harassment, bullying, hazing, and similar conduct, and their related administrative guidelines, including the common complaint, investigation, and appeal procedures, will be annually circulated to and posted in conspicuous