

## **Students**

### **Bullying Prevention and Intervention**

#### **GUIDE FOR INVESTIGATING BULLYING BEHAVIOR**

**\*\* No two investigations will be exactly the same. Investigations should be tailored to the specific incident, considering the nature of the alleged conduct and the relative ages of the students involved. In all cases, the safety of students and staff in the building must take precedence over following the order of the checklist below. It may be necessary to immediately contact the police and/or DCF under certain circumstances. All physical evidence should be collected as soon as possible, in accordance with the law, so as to avoid destruction. \*\***

#### **Basic Elements of a Fair Investigation:**

1. Be prompt, fair, and thorough.
2. Be objective.
3. Give the affected parties an opportunity to be heard.
4. Do not prejudge the outcome, and do not rush to judgment.
5. Compile as much proof regarding the incidents in question as reasonably possible.
6. Document every significant step in the investigation.
7. Save all of the evidence you obtain during the investigation.
8. Be a critical thinker – does the information you gathered support a reliable conclusion?
9. Be patient.

#### **Bullying Investigation:**

1. Review reports of bullying
  - a. Students may make reports, including anonymous reports.
  - b. Parents/guardians may make written reports.
  - c. School employees who witness acts of bullying or receive reports of bullying must orally notify the safe school climate specialist or another administrator if the safe school climate specialist is unavailable, not later than one school day after witnessing or receiving a report of bullying, and must file a written report not later than two school days after making the oral report.
  - d. Review any written documentation, and use the written documentation to determine what additional information is needed and which individuals must be interviewed, if any.

## **Students**

### **Bullying Prevention and Intervention**

2. Based on the alleged misconduct, review relevant Board policies and consider whether the alleged misconduct falls under more than one Board policy (e.g., bullying/safe school climate, sexual or other harassment or discrimination, student discipline). If the alleged misconduct does fall under more than one policy/category, administrators must make sure to follow the procedures for each policy, although some steps may overlap.
3. Alert relevant school officials/administrators of the need for an investigation, as necessary.
  - a. The safe school climate specialist must investigate or supervise the investigation of all reports of bullying and must ensure that the investigation is completed promptly after receipt of the report of bullying.
  - b. If the complaint or alleged misconduct appears to concern sexual harassment, the Title IX Coordinator should be involved in the investigation. If the complaint or alleged misconduct appears to concern harassment on the basis of disability, the Section 504 Coordinator should be involved in the investigation.
4. The parents/guardians of the student alleged to have committed an act of bullying and the parents/guardians of the student victim must receive prompt notice that a bullying investigation has commenced.
5. Separately interview the individual who made the bullying complaint; the alleged victim; the alleged perpetrator; and any witnesses. Obtain a signed, written, and dated statement from each if possible and appropriate. These individuals may be students, parents or staff. If a student's age or disability impacts the student's ability to write his or her own statement, the investigator may script a statement on his/her behalf, based on information shared by the student. Ask investigatory questions.
  - a. Ask who, what, when, where, why and how questions. Some *examples* of questions (not intended to be an exhaustive list or applicable to every case and interviewee):
    - i. What did you see?
    - ii. What did you hear?
    - iii. When?
    - iv. What did you do?
    - v. Where did this happen?
    - vi. How many times?
    - vii. What did \_\_\_ do? How did \_\_\_ react?
    - viii. Has this or anything similar happened before with the same student(s)? When? How many times?\*

## **Students**

### **Bullying Prevention and Intervention**

- ix. Has this or anything similar happened before with different student(s)?  
When? How many times?\*
  - x. Who else saw or knows?
  - xi. Who else was involved?
  - xii. What did you do?
  - xiii. Who did you tell?
- b. Avoid leading questions or expressions of judgment. Instead try to ask open-ended questions. Ask follow up questions to ascertain more details.
  - c. Repeat witness statements to confirm your understanding.
  - d. Ask the individual to elaborate if needed. For example, if he or she gives a conclusory statement, ask the individual the bases upon which they drew that conclusion.
  - e. Do not promise confidentiality.
  - f. Review and address confidentiality requests and related concerns about retaliation.
  - g. Interview individuals individually. Do not conduct group interviews.
  - h. Do not tell the interviewee what other witnesses had to say, and do not discuss your opinions or conclusions.
  - i. Ask for names of other witnesses to the incident or any documents/notes the individual may have.
  - j. Be patient, especially with students.
6. \**“Bullying”* involves *repeated* instances of communication or conduct. Always ask if the alleged conduct or similar conduct has occurred in the past. While bullying does NOT have to involve the same student or groups of students, it must involve repeated conduct or communications against the same victim or victims.
7. Collect all physical evidence, which may include contraband, photographs, or written documents, or copies of electronic communication. Do not copy or replicate in any way sexually explicit photographs.
8. Re-interview any witnesses, if appropriate and necessary.
9. Based on the information obtained through the investigation, determine whether the alleged misconduct constituted a verified act of bullying.
10. Consider that in some cases, based on the information revealed during the investigation, it may be appropriate to make a report to the police or DCF. Note: If a mandated reporter determines that a report to DCF is appropriate under Board policy, he or she must immediately make such a report, even though the bullying investigation has not been completed.

## **Students**

### **Bullying Prevention and Intervention**

11. Document each step of your investigation. Complete an investigation report if required by Board policy. Serious offenses or complicated investigations may also warrant a formal report. Be cautious of confidentiality and disclosure requirements under FERPA when completing such reports. If a formal report will not be prepared, consider writing an investigation summary outlining the information reviewed, the facts found and conclusions made by the investigator. If a formal report is not required, maintain your notes.
12. Notify the parents/guardians of students who commit any verified acts of bullying and the parents/guardians of the student against whom the acts were directed not later than 48 hours after the completion of the investigation.
13. Invite the parents/guardians of the student against whom the verified act of bullying was directed to a meeting to communicate to the parents/guardians the measures being taken by the school to ensure the student's safety and the policies and procedures in place to prevent further acts of bullying. Administrators may not disclose personally identifiable information about other students involved in the investigation, including the perpetrator student, to the parents/guardians of the victim, absent the written consent of those other students' parents.
14. Invite the parents/guardian of the student who commits the verified act of bullying to a meeting (separate from the meeting in #13) to discuss specific interventions undertaken by the school to prevent further acts of bullying.
15. Develop a student safety support plan for the student victim. Any such plan should be specific, time limited, and provide for periodic review to determine effectiveness.
16. Develop an intervention plan for addressing repeated incidents of bullying against a single individual or recurrently perpetrated bullying incidents by the same individual, which plan may include both counseling and discipline.
17. Discipline the perpetrator student, if appropriate. Disciplinary action may not be taken against a student accused of bullying if the investigation relies solely on an anonymous complaint.
  - a. If the perpetrator student is eligible for special education or under Section 504 and the administration intends to remove the student as a form of discipline (i.e., suspension or expulsion), consider the obligation to conduct a manifestation determination, as needed.
18. Ensure proper recordkeeping relating to reports and investigations of bullying and maintenance of a list of verified acts of bullying in accordance with state law, Board policy and the safe school climate plan.

## **Students**

### **Bullying Prevention and Intervention**

#### Special Education and Section 504 Considerations:

19. Bullying behavior (and even problematic conduct that does not constitute verified acts of bullying) may have implications on a student's right to access or benefit from his or her education if the student is eligible for special education or Section 504 service. Consult with a special education administrator to discuss whether it is appropriate to convene a PPT or Section 504 meeting to discuss supports or services for either the victim or the perpetrator.
20. Determine whether the perpetrator or victims should be referred to PPT if they are not already eligible. Such referrals are not automatic, but should be made on a case-by-case basis based on the specific facts.