

## HOW TO INVESTIGATE UNLAWFUL HARASSMENT CLAIMS

It is the VSBIT Multi-line Intermunicipal School Program's experience that a prompt and careful investigation of unlawful harassment claims is extremely important. It satisfies your legal obligations, fosters respect and a supportive school environment and ultimately may limit the school's legal exposure. The following "kit" spells out how best to investigate unlawful harassment claims. We encourage members to contact us immediately if you are unsure if an investigation is warranted, how best to conduct it, or what type of interim corrective actions are most appropriate. The Multi-Line program also offers a training program entitled, "Unlawful Harassment in Public Schools". An outline of this training, as well as this document, can be found in the Safety Topics section of the VSBIT/Multi-line web site, [http://www.vsb.it.org/htm/multiline\\_safety.cfm](http://www.vsb.it.org/htm/multiline_safety.cfm).

### I The Complaint

- a) The complainant should immediately provide the school or investigator with a *written description* of any and all alleged harassment.
- b) The description should include the identity of all potential witnesses and the nature of the harassment.
- c) The complainant's status, classes, schedule or attendance should not be changed in any way. The accused may be subject to some changes.
- d) The *investigator should be trained* in identifying what conduct constitutes unlawful harassment and have no apparent conflicts of interest.
- e) Review the applicable school policies to make sure the correct one is applied and to make sure the policy is followed as closely as possible.

### II The Investigation

- a) **For peer harassment complaints, the investigation must start within one day and be completed within five school days.** There may be internal time limitations created by school policy.
- b) The investigator should keep an *investigation log* to document all steps taken in the investigation, including the date, time and location of all actions.
- c) The investigator should interview as many material witnesses as he or she deems necessary for a thorough investigation given the severity of the allegations.
- d) The investigator may wish to have witnesses sign statements. If not, the investigator should keep detailed notes of questions asked and responses. *The accused should be asked to sign a statement if the complainant was asked to do so.*
- e) The parties to the complaint and all witnesses should be informed of the confidentiality of the process and warned against retaliation. The Multi-Line program suggests a uniform script.

### III The Report and Discipline

- a) The *investigator should draft a report* that states the nature of the investigation, the date and time of any activities and the facts considered.
- b) **Any conclusions should be justified in detail.** For example, if the investigator concludes that he or she believes one witness over another, the reasons should be specified.
- c) *Notify parties as to the results of the investigation.* The notification should be *in writing* and indicate whether the complaint was substantiated. If substantiated, it may be helpful to communicate that the school will now take appropriate disciplinary action pursuant to its policies and the law.
- d) Student discipline must be carried out consistent with legal requirements.
- e) *All records of the complaint and investigation should be kept confidential and in a central location. These records should not be discarded without first consulting with legal counsel.*