1. **DOCUMENTATION OF INVESTIGATIVE PROCESS.**
2. **DOCUMENTATION OF “NOTICE” INTAKE PROCESS.** Instructions: In this section you must describe ALL information that was received by the District, and how, with reference to “Student/Staff Conduct Forms” (attach copies of same as part of your appendix) through the HHB INTAKE & REFERRAL PROCESS.

INTAKE of Reports / Accounts from:

Student/Staff Conduct Forms - Staff/Teacher: **\_\_/\_\_/\_\_\_** (DATE) App. Pages (INSERT);

Student/Staff Conduct Form – Designated Employee: **\_\_/\_\_/\_\_\_** (DATE) App. Pages (INSERT).

Student/Staff Conduct Form – Building Administrator: **\_\_/\_\_/\_\_\_** (DATE) App. Pages INSERT).

Date of Report to TITLE IX Coordinator in cases of alleged “Sexual harassment” (If applicable):

Date: **\_\_/\_\_/\_\_\_.**See Attached, Documentation, Appendix Pages (INSERT).

Date of Report to DCF (if applicable): **\_\_/\_\_/\_\_\_.** Appendix pages (INSERT).

Date of Report to AOE (if applicable): **\_\_/\_\_/\_\_\_.** Appendix pages (INSERT).

1. **NOTIFICATION OF PARTIES**. Instructions: By Procedure, once a VT HHB Investigation is launched Parties/Parents must be informed and provided with a copy of the Policy and Procedures for the Prevention of Harassment, Hazing and Bullying. Again, you should describe here how and when that communication occurred, with reference to the letters which were sent and attach copies of same as part of your appendix.

Date Parents Notified of Investigation

See attached Complainant Student Family Letter dated  **\_\_/\_\_/\_\_\_**, at Appendix Page (INSERT)

See attached Investigated Student/Staff Family Letter dated  **\_\_/\_\_/\_\_\_.**, at App. Page (INSERT).

Date Parents Provided Copies of Policy and Procedures:

See attached Complainant Student Family Letter dated  **\_\_/\_\_/\_\_\_.** at Appendix Page (INSERT)

See attached Investigated Student/Staff Letter dated **\_\_/\_\_/\_\_\_.** at Appendix Page (INSERT)

1. **NOTICE OF DELAYS (IF ANY)**. Instructions:. Some cases may experience a delay in completion of the investigation due to documented circumstances. Again, you must document here whether any such delays occurred, and provide a description of the circumstances justifying that delay, and refer to documentation of those circumstances, as well as letters which updated and informed the parents of those delays.

Date of Letters Sent to Parents Notifying Them of Investigation Delay (if applicable)

**\_\_/\_\_/\_\_\_.** (See Appendix pages INSERT)

**\_\_/\_\_/\_\_\_.** (See Appendix pages INSERT)

1. **CONCLUSION OF INVESTIGATION & RELATED ANNOUNCEMENTS**: Instructions: Document here the date all investigative/fact finding work ceased, the date the report was completed (usually a different day than the fact finding ceased), and the date the results of the investigation were mailed or otherwise communicated to the Parties. You should also itemize and attach any other documentation that implements the findings, recommendations and remedial actions (discipline, etc.)

4.Conclusion of Investigation & Related Announcements

Date Investigation Concluded: **\_\_/\_\_/\_\_\_.**

Date of Report: **\_\_/\_\_/\_\_\_.**

See attached Complainant Student Family Letter dated  **\_\_/\_\_/\_\_** at App. Page(INSERT)

See attached Respondent Student/Staff Letter dated **\_\_/\_\_/\_\_\_** at App. Page(INSERT)

See Discipline Records dated  **\_\_/\_\_/\_\_\_** at App. Page(INSERT)

OTHER

**II. Decision to Investigate, Scope of Investigation, Policy Definitions and Notice of Policy**

1. DECISION TO INVESTIGATE. Instructions. Insert the Building Administrator’s description of their “reasonable belief” that the allegations known to the school “May constitute harassment, hazing or bulling” as set forth in the Building Administrator’s Student/Staff Conduct Form (Building Administrator Version) which resulted in launching the current investigation under the HHB Procedures section III.A.

**NEW AUGUST 2020: If the allegations MAY constitute “Sexual harassment” - as that term is defined by Title IX - the Title IX Coordinator MUST be informed immediately so that the Title IX Policy may be followed. NO VT HHB Investigation should be initiated in that case.**

1. Mandatory Notifications (IF ANY). If DCF was notified of the allegations you should document that notification here.
2. Date Investigation Commenced: Document the date the VT HHB Investigation was commenced in this case.\_\_\_\_/\_\_\_/\_\_\_\_. **Date Investigator assigned: \_\_/\_\_/\_\_\_.**
3. Scope of Investigation. Describe with reference to staff/student by name, the alleged conduct / behavior being investigated (and when it allegedly occurred) and each and every HHB policy definition being actively considered as potentially violated by that conduct.
4. Policy References and Notifications. Recite verbatim the relevant school rule/policy/regulations the student/staff conduct is being investigated for, as set forth in #4 above, with reference to the Policy by name, number and date of adoption:

**For example:**

**VT POLICY for the Prevention of Harassment, Hazing and Bullying**

**Section IV.A.Bullying:** means any overt act or combination of acts, including an act conducted by electronic means, directed against a student by another student or group of students and which:

1. Is repeated over time;
2. Is intended to ridicule, humiliate, or intimidate the student; and
3. (i) occurs during the school day on school property, on a school bus, or at a school-sponsored activity, or before or after the school day on a school bus or at a school sponsored activity; or

(ii) does not occur during the school day on school property, on a school bus, or at a school-sponsored activity and can be shown to pose a clear and substantial interference with another student’s right to access educational programs.

1. Policy/Rules/Regulation Announcements. Recite the manner in which the same were made known to the pertinent school populations or specific parties (school trainings, postings, student handbooks, etc).

**III. INTERIM MEASURES**

Directions: In any case where a targeted Student has either:

(1) suffered physical harm (either from another student (sexual assault or severe physical violence) or

(2) is known to be expressing suicidal ideation

A Safety Plan for that student must be created.

OR

Where a Student who is known to be the target of the alleged conduct under investigation is known to have difficulty accessing the educational programs at school as a result of the inappropriate behavior, a Safety Plan is STRONGLY recommended and MUST be considered.

SOURCE: 2015 AOE Model Procedures (III.C.).

In ANY CASE where a SAFETY PLAN (See Sample Safety Plan) was created draft and insert here a description of the following:

1. the basis of your decision to create a plan;
2. who was involved in creating the plan:
3. who was assigned to implement the plan;
4. who was assigned to oversee the implementation of the plan:
5. how and when protectee student/staff (and/or parents/guardians) were informed of the plan;
6. any all changes subsequently made to the plan.

Attach as part of the Appendix the following documents:

1. All versions of the plan (See Appendix Pages INSERT);
2. All related correspondence with families about plans(See Appendix Pages INSERT).
3. Copies of any internal correspondence regarding implementation of the plan and assignment of responsibilities for the plan (See Appendix Pages INSERT).

**IV. Documentary Evidence**

1. EVIDENCE INVENTORY. Instructions. You should list every document, by title, date, source, and author (if known). You should identify the document also by the page number where it is attached as part of the Appendix.

DOCUMENT TYPE:

DOCUMENT DATE:

DOCUMENT AUTHOR (IF KNOWN):

DOCUMENT SOURCE:

DOCUMENT LOCATION Appendix Pages (INSERT)

1. RELEVANCE DISCUSSION:

Instructions

After each document identified you should insert a description of relevance of the document.

Describe sufficiently here why they are attached so the reader understands how those documents are relevant to your work in this investigation.

***Example:***

DOCUMENT TYPE: Text Message

DOCUMENT DATE: 9/17/20

DOCUMENT AUTHOR (IF KNOWN): John Doe

DOCUMENT ADDRESSEE (IF ANY): Vernon Victim

DOCUMENT SOURCE: Vernon Victim

DOCUMENT LOCATION Appendix Pages (App. Pages 15-16)

DOCUMENT RELEVANCE: **John Doe admits in his text that he hit Vernon Victim in the cafeteria on September 15.**

**V. Interviews Conducted**

1. INTERVIEW LISTING.

Instructions: Every interview conducted in the course of the VT HHB Investigation must be documented in detail. You should first list in full all interviews conducted documenting the witnesses’ name, and their interview date. (If you have multiple sessions with the same witness, group those together by witness name. Otherwise the list should be in chronological order.)

**Listing of All Interviews**

Name of Interviewee Date Interviewed Appendix Pages For Interview Notes

Vernon Victim 9/30/20 (1st int.) App. Pages 13-14

10/3/20 (2nd int) App. Pages 15-16

Belina Bullee 9/30/20 (1st int.) App. Pages 17-18

10/3//20 (2nd int.) App. Pages 19-20

Wally Witness 9/30/20 App. Pages 21

Sally Whit Ness 9/30/20 App. Pages 22

1. Interview Session Summaries.

Instructions.

1.INTERVIEW CONTEXT. Each summary should begin with a description of the circumstances of the interview itself. Who conducted the interview, where it was held, who else was present (and what were there roles), the length of the interview, and another pertinent details.

1. INTERVIEW CONTEXT

Interviewee NAME (STUDENT/STAFF NAME)

Interview Date: \_\_\_/\_\_\_\_/\_\_\_\_

Interview Location or Medium:

Interview Length:

Interviewer:

Interview Participants/Other Persons Present and their Role:

2.Interviewee Facts. Each summary should also include an accounting of the key facts regarding the witness, such as their name, age, grade, relationship to the case (i.e. respondent/accused or witness), and another other relevant factors such as their relationship to other students involved in the case (“best friend of accused”).

(EXAMPLE)

2.INTERVIEWEE FACTS:

Interviewee Relevance: John Doe (JD) is the respondent/accused student in this case.

Interviewee Title/Grade/Age: He is in the 5th grade, and is 10 years old.

Interviewee Potential Conflict/Bias Factors:

1. INTERVIEW SUMMARY.

Instructions. For each interview conducted, a summary of the content of the interview should be written by the investigator.  ***These are not the same as your interview notes.*** Those are taken in the course of the interview, and should be retained, and attached to the report as part of the “Appendix.” Rather, the summary should detail the important, “relevant” facts that were discussed and obtained in the course of the interview. Investigators may find it useful to refer the “HHB Analysis Slides” - which break each of the policy definitions into their relevant parts – in order to better understand what facts are “relevant” and worth of inclusion in these summaries. The summary should be written in short, concise, bullet point form. Except when quoting from a witness verbatim (and when you do that you should use quotation marks) try to avoid long narrative descriptions. It can be useful to arrange your summary by topics which match the areas of focus outlined in the “HHB Analysis Slides” and to have those listed in consistent order for all witness summaries. In this way you can assist fact finding by tracking the evidence collected, and the weight of that evidence, on those areas of inquiry throughout the investigation.

(EXAMPLE)

▪ JD admits he hit Vernon Victim (VV) on Monday September 15 in the school cafeteria during school lunch.

▪ JD admits he hit VV on that occasion because he thinks VV is “annoying” and wanted VV to “stop” being annoying.

▪ JD admits he also hit VV on Thursday September 18 on the playground during recess.

▪ JD admits he hit VV on that occasion because VV was “irritating” him and wanted VV to stop irritating him.

▪ JD admits he knows he is not supposed to hit other students.

**VI. Fact Conclusions**

Instructions:

State your findings of FACT as you have found them to be, weighing the totality of the evidence and the surrounding circumstances, as being “more likely than not” true. Facts are “relevant” when they align with the policy definitions of HHB. Again, it may be helpful to cut and paste or otherwise reference the “HHB Analysis Slides for Decision Making Stage” for guidance on the relevant and pertinent questions t that you will need to decide up on given the focus of your investigation (bullying or harassment, etc.).

Wherever those slides indicate you should explain your answer, you should do so with cites to the evidence collected and gathered. Effort should be taken to keep the summary of facts found to short, concise, bullet point findings and conclusions, and avoiding long narrative sentences.

*Example*: In a case of race base verbal harassment towards an African-American student by a student (using the slides as a guide, and drafting and inserting the bold language as your answers and findings):

**“I FIND, on the preponderance of the evidence that it is more likely than not that Randy Respondent/the** **investigated student**/staff/teacher’s **conduct of** incident/incidents of (CIRCLE ALL THAT APPLY) **verbal**, written, visual or physical conduct, including any incident conducted by electronic means,

1. (a) **was/were based on OR motivated** by the (targeted/victim) **Student’s actual** (CIRCLE ALL THAT APPLY) **Race,** Creed, **Color,** National Origin, Marital Status, Disability, Sex, Sexual Orientation, or Gender Identity?

YES **X**\_\_\_\_ OR NO\_\_\_\_\_\_ (Explain your answer)

**Randy Respondent called John Smith a racially denigrating term and did so because of John’s actual race. Randy admitted he did so because John “is black” and two other student witnesses Wally and Wanda saw and heard him do this.**

(b) **was/were** **based on OR motivated** by the (targeted/victim) Student’s perceived (CIRCLE ALL THAT APPLY) Race, Creed, Color, National Origin, Marital Status, Disability, Sex, Sexual Orientation, or Gender Identity ?

YES\_\_\_\_ OR NO\_**X**\_\_\_\_\_ (Explain your answer) **SEE ABOVE**

(c) **was/were** **based on OR motivated** by the (targeted/victim) Student Family Member’s actual (CIRCLE ALL THAT APPLY) Race, Creed, Color, National Origin, Marital Status, Disability, Sex, Sexual Orientation, or Gender Identity ?

YES\_\_\_\_ OR NO\_\_**X**\_\_\_ (Explain your answer)**SEE ABOVE**

(d) **was/were** **based on OR motivated** by the (targeted/victim) Student’s Family Member’s perceived (CIRCLE ALL THAT APPLY) Race, Creed, Color, National Origin, Marital Status, Disability, Sex, Sexual Orientation, or Gender Identity ?

YES\_\_\_\_ OR NO\_**X**\_\_\_\_\_ (Explain your answer) **SEE ABOVE**

(Example Continued)

**I FURTHER FIND, on the preponderance of the evidence that it is more likely than not that Randy Respondent’s conduct**

(2) had the purpose of objectively and substantially undermining and detracting from or interfering with the targeted student (victim’s) **educational performance** \_\_**NO SEE BELOW**\_\_\_\_ (YES/NO)

(3) had the purpose of objectively and substantially undermining and detracting from or interfering with the targeted student (victim’s) **access to school resources** \_ **NO SEE BELOW**\_\_\_\_ (YES/NO)

(4) had the purpose of **creating an objectively intimidating, hostile, or offensive environment**. **YES**\_\_\_\_ (YES/NO)

**Randy Respondent admitted it was hoping to make John Smith feel “uncomfortable,” unwelcome and ostracized at school, saying he “doesn’t think John belongs here.”**

(5) had the effect of objectively and substantially undermining and detracting from or interfering with the targeted student (victim’s) **educational performance** \_ **NO SEE BELOW**\_\_\_\_ (YES/NO)

(6) had the effect of objectively and substantially undermining and detracting from or interfering with the targeted student (victim’s) **access to school resources** \_**YES.** **John admitted he did not come for two days because of what happened.**

(7) had the effect of **creating an objectively intimidating, hostile, or offensive environment**. \_**YES**\_ (YES/NO). **John felt uncomfortable at school, and I believe it is more likely than not a student in his position would feel a hostile environment as a result of Randy’s behavior.**

**INSTRUCTIONS: If you answered YES to any of questions 1a, 1b, 1c or 1d but NO to ALL of the questions 2-7, it is NOT harassment. Be sure, however, to review and consider the other policy definitions (and related slides) before concluding that no violation of Policy has occurred.**

**HOWEVER**

**If you answered YES to questions 1a, 1b, 1c or 1d and YES to ANY of questions 2-7, it IS CONDUCT WHICH VIOLATES THE HARASSMENT POLICY.**

**I therefore find that the behavior of Randy Respondent violates the policy for the prevention of harassment on the basis of race.**

**VII. Policy Conclusions & Responses to Defenses Raised**

Instructions:

State your findings of POLICY as you have found them to be, weighing the totality of the evidence and the surrounding circumstances, as being “more likely than not” true. These should align with the policy definitions of HHB. Again, if you used the slides to reach your “Fact Conclusions” in the prior section, you can simply refer back to the policy outcomes that followed from those findings here. Any defenses that were raised by the respondent/accused student should be explicitly addressed here in this section as well.

(EXAMPLE)

▪ John Doe is found to have bullied Vernon Victim through his repeated conduct in mid- September on school grounds, when he sought to intimidate Vernon by hitting him on two occasions, September 15 and 18, in the cafeteria and on the playground.

▪ John Doe’s defense that Vernon was “asking” for it, because he was being so annoying and irritating, even if true, does not change the outcome of the investigation. The definition of bullying and behaviors that violate it, will not depend upon the victim’s own behaviors. As long as the Respondent/Perpetrator’s conduct is repeated and has the necessary intent (here intent to intimidate), when that conduct occurs on school grounds, that behavior will be deemed to violate the policy for the prevention of bullying regardless of the targeted student’s own conduct. Such conduct, however, may be considered when deciding upon the appropriate “remedies” necessary to “reasonably prevent a reoccurrence.”

**VIII: Remedial Actions & Recommendations.**

1. Remedial Actions / CONDUCT. Instructions: Given the FACTUAL and POLICY findings announced in your investigation, you should identity all “reasonable” steps that you recommend the school take in order to:
2. Stop any inappropriate conduct (HHB violation or otherwise);
3. Prevent a reoccurrence of such conduct (HHB violation or otherwise);

(Example)

Recommendations

John Doe will be required to remain indoors for two sessions of recess.

Upon his return to recess, John Doe will be subject to direct supervision for three weeks. If no further misconduct occurs, a reduction in supervision will then be considered.

John Doe will be subject to direct supervision during lunch for three weeks. If no further misconduct occurs, a reduction in supervision will then be considered.

Both John Doe and Vernon Victim will be individually offered counseling on interpersonal interactions and instructed to avoid the other during unstructured times.

Both will be instructed on how to promptly alert school authorities in the event of future difficulties with the other, and reminded that they should not engage with the other out of anger or hostility, but instead in those instances seek the assistance of an adult.

1. Remedial Actions/IMPACTS. Instructions

You should always address whether the victim/targeted student suffered any difficulty in accessing their educational environment, and if so, describe those impacts and explain the supports that have been put in place to address those impacts.

(Example)

Remedial Actions

Fortunately, as of the writing of this report, neither Vernon Victim, nor his teachers nor parents report any academic difficulties, nor inability to come to school or be in school, as a result of John Doe’s conduct. Vernon Victim and his parents and teachers have all been advised that should this change they are to report this fact immediately to this investigator.