



## **Bullying: Investigating Complaints - 3 part NL series**

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*In the first part of our series we talked about dealing with the details of receiving and documenting bullying complaints including: documentation protocols, procedures with young students, informing the parents, and deciding who investigates.*

### **Part TWO - First Things First: Four Preliminary Considerations**

The complaint manager has determined that it is appropriate to proceed with an investigation. There are eight preliminary considerations to address as the investigation gets underway. These considerations set the stage for a legally sound investigation. In this article, we will discuss the first four.

#### **Take Action on the Complaint Within 24 Hours**

Prompt response is a cardinal rule of complaint management and investigation. Get in action immediately, even if it is to enter into your calendar when you will take your next action. Be ready to say, "Here is our schedule." Check the district policy to be sure that your plan is within the policy's specifications, and begin the investigation as soon as possible.

Look at the complaint form and ask yourself:

- Based on the information at hand, will this be a formal or informal resolution?
- What information is needed to make such a decision?
- Are the facts disputed or undisputed?
- Is it likely that others have been affected?

Unless you have already talked to the accused, you probably don't know whether the facts are in dispute. Even if the facts are undisputed, investigate further to determine if other parties are experiencing bullying or harassment by the accused or if the environment is hostile or intimidating to others.

In creating the plan for conducting the investigation, be prepared to be flexible. People may not be available. Things will probably take longer than you think.

#### **If Sexual Harassment is Suspected, Use Two Investigators**

Be sure that whoever investigates is trained to investigate, not just trained to do complaint intake. An investigation team of at least two investigators is preferable for sexual harassment matters. Why? Sometimes people have hidden biases of which they are unaware. Having a partner adds another perspective and keeps things balanced.

The other reason to have two investigators is gender. Having a mixed gender team gives you flexibility and allows you to be gender sensitive. Ask the person being interviewed if they are more comfortable with a male or female. You may divide the interviews between the two members of the investigation team. Both investigators do not need to take part in the same interview, except in very rare circumstances. Those rare circumstances would include any threat of violence to the

investigator. Also, if violence is feared, you may want to have a school security officer available.

### **Create a Confidential File**

There is a lot to this seemingly simple statement. As the investigation proceeds, you will be dealing with confidential material that may be of interest to people, or may be used by the plaintiff in a lawsuit.

While investigating, keep the file in your possession. Do not assume that your administrative assistant is immune from taking a look, especially if it involves someone to whom they are related or a family friend. You should create a file that no one other than you and your investigatory partner may access. Many investigators keep the file locked in the trunk of their car when they are away from their office or are not reviewing the contents.

### **Conduct Interviews in a Private Room**

It is very important to conduct all interviews in a private room. People do not think the nuances of privacy through and end up making a poor location choice. When selecting the interview location, remember that your job is to keep the interview as quiet and private as possible. This cannot be done if people's curiosity is aroused.

Privacy means:

- All windows or glass partitions are covered or opaque.
- There is a separate entrance for the room. Witnesses don't have to walk down a hallway or through a lobby, classroom, workspace or conference room to get there.
- The location is out of the mainstream of traffic, so that people can come and go without being seen.
- If people will be arriving by car, parking should be unobtrusive.

### **Next in our Series – Four MORE Preliminary Considerations.**

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This article is an excerpt from [School Bullying: Tools for Avoiding Harm and Liability](#)  
By Mary Jo McGrath, Attorney at Law - Corwin Press, Copyright 2007

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