



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

**By Mary Jo McGrath  
Attorney at Law**

*In Part Two of our series we talked about four preliminary considerations of bullying complaint management:*

- *Take Action on the Complaint Within 24 Hours*
- *If Sexual Harassment is Suspected, Use Two Investigators*
- *Create a Confidential File*
- *Conduct Interviews in a Private Room*

### **Part THREE - First Things First: Four MORE Preliminary Considerations**

#### **Review All Pertinent Records**

Two places to check are (1) your district's central depository for complaints and (2) records from the student's prior school site(s). If this step is neglected, indicators of a pattern of conduct that took place in prior years or in other settings may be missed.

When investigating alleged student misconduct:

- Review the student's discipline and cumulative records for prior complaints.
- Determine whether the students have received bullying and harassment awareness or sexual harassment awareness training.

When investigating alleged employee misconduct toward students:

- Review the employee's personnel file.
- Review all relevant in-service attendance records.
- Determine if there have been prior complaints.

#### **Review and Follow All Applicable Policies, Rules and Regulations**

Before taking action, review all applicable board policies and regulations, as well as the Student Code of Conduct and Discipline Policy. Make sure that your copies are current. Do not assume that you will remember the policy or regulation correctly. No matter how many cases you have investigated, you should always start by reading all policies again. Then follow them.

#### **Talk to the Teachers with Whom the Parties Attend Classes**

Have a conversation with the students' teachers, bus drivers, or other employees with whom they come in contact. Go to the location where the alleged bullying or harassment took place and be mindful of the following:

- Do not go to the employee if that person is implicated in the bullying.
- Do not go to the employee if you know that the person may have a conflict of interest.

Warn the employee that this is an official investigation and the conversation must be kept confidential. Should they fail to maintain confidentiality and leak the information that an

investigation is in progress, the employee may be held responsible and even disciplined for any retaliatory conduct that ensues.

### **Do Not Limit the Investigation to Interviews of the Complainant and Alleged Perpetrator**

Always look beyond what appears to be an isolated incident or situation. Look beyond the facts as presented by the complainant and alleged perpetrator, even if they are undisputed.

The following describes four situations in which it is critical that witnesses be interviewed:

1. The facts are disputed and cannot be resolved simply by speaking with the two parties.
2. The complaint alleges a pattern of bullying that has gone on over an extensive amount of time and may even involve more than one school site.
3. Multiple victims or multiple perpetrators are involved.
4. Allegations have been made that may impact other people besides the complainant (e.g., child sexual abuse or hostile environment sexual harassment).

---

**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**

- Get the latest research on the "new" bullying - girls, cyberbullying, and more
- Learn the legal basis for bullying and lawsuits
- Tools for daily intervention and cultural transformation
- Step-by-Step investigation approach.

[Purchase the book](#) for additional tools and resources on Complaint Management including: Sample Complaint Intake Forms, Decision Trees outlining the Initial Processing of a Complaint and Determining Who Investigates.

### **McGrath Bullying and Harassment: Minimize the Risk Curriculum**

- **Altering the Culture of Cruelty: The McGrath Bullying Awareness, Prevention and Intervention Program for Teachers and Staff** (One Full-Day Session)
- **Intake, Management and Investigation of Bullying and Harassment Complaints** (Two Consecutive Full-Day Sessions)
- **DVD/Video Education System & Training of Trainers Program** (Customized to fit your schedule)
- **Student Training, K-12** (Customized to fit school schedule)
- **Parent Training** (Two-Hour Evening Session)
- **Bullying and Harassment Short Course: Bullying and Harassment: Fundamentals of Detection, Identification, and Legally Fit Intervention** (Half Day Session)

**Contact:** [info@mcgrathinc.com](mailto:info@mcgrathinc.com) · 800-733-1638 · [www.mcgrathinc.com](http://www.mcgrathinc.com)

---

---

---