

**SEXUAL HARASSMENT REPORTING & INVESTIGATION FORMS 1a-1f (STEPS 1-6)**

Mountain Home School District No. 193 maintains a firm policy against all forms of sexual harassment and retaliation and will not be tolerated in our school district. An investigation will commence upon reports of such and dealt with accordingly. All individuals are to be treated with respect and dignity.

1. Investigate:

- Within 24-hours after receiving a complaint of sexual harassment or retaliation, begin the investigation. The investigation should be completed within 10-days.
 - ~ Start a discipline file to hold all investigative and evidentiary documents.
 - ~ Have the victim/target complete the included Report of Complaint of Sexual Harassment Form 1a (Step-1).
- The investigator of any allegation of Sexual Harassment, should be an administrator in a position of authority, not a school security officer.
- Take all claims or complaints of Sexual Harassment seriously.
- Interview all parties involved: victim/target, the witnesses, and the alleged perpetrator(s)/assailant(s) using the included Interview Victim/Target/Witness/Perpetrator/Assailant Report Form 1b-d (Steps 2-4). Be thorough.
 - ~ Keep an open mind. Act in a neutral and professional manner.
 - ~ Preserve privacy and confidentiality of the investigation and the involved parties; remind all parties of the district's prohibition of any form of retaliation.
- Separate the victim/target and perpetrator/assailant. Make sure that the victim/target is not penalized in this action.
- Complete the investigation within 10-days of the complaint, if possible.

2. Document:

- Using the Report of Sexual Harassment Form 1a (Step-1) and Interview Victim/Target/Perpetrator/Assailant Report Forms 1b-1d (Step 2-4) begin the investigation.
- Collect, document, and file all investigative and evidentiary items, dates, times, all communications, written statements, your own investigation notes, pictures, electronic/digital records/recordings/texts, etc., from individuals, and add those documents to the newly created investigative and evidentiary file.
- Document where the incident occurred.

3. Determine:

- Using all collected, investigative, and evidentiary documents complete the Result of Allegation of Sexual Harassment Investigation Report Form 1e (Step 5), to determine if the behavior/remarks/actions/conduct/retaliation are in fact unwelcome and/or inappropriate, and to what degree.
- Attach all supporting investigative and evidentiary documentation such as witness statements, investigation notes, emails, photographs, texts, etc.
- Send a complete copy of the complaint form and supporting documentation to the Principal or Superintendent.
- Keep a copy of this in your Investigative and Evidentiary file. Log any student incidents in Milepost.

4. Action:

- Complete the Conclusion & Action Taken of Allegation of Complaint of Sexual Harassment Investigation Report Form 1f (Step 6) and state the recommended action(s).
- We are not a court of law – we do not need proof beyond a reasonable doubt. We collect as much information as we can to make an informed decision.
- Counseling for victim/target and/or perpetrator/assailant; Oral or Written Warnings, Administrative Leave with or without pay, Suspension, Expulsion, etc.; Recommendation to go before the District Review Committee or School Board of Trustees for possible expulsion, probation, or termination.
- Document date and time parents of student victim/target and perpetrator/assailant were notified.

REPORT OF COMPLAINT OF SEXUAL HARASSMENT FORM 1a – Step 1

(Aggression may be eventually determined to be a harassment, intimidation, bullying, or peer conflict)

Names(s) of person(s) filing the Complaint Form: _____

Name of Investigator: _____ **Date:** _____

Check all that apply

<input type="checkbox"/>	Unwelcome and/or Inappropriate Physical Contact: Touching, Grabbing, Groping	<input type="checkbox"/>	Electronic/Digital/Technological Remarks/Offenses: Social Media, Texting, Emails, Instagram, Snap Chat, etc.
<input type="checkbox"/>	Unwelcome and/or Inappropriate Behavior/Remark/Action	<input type="checkbox"/>	Spreading Rumors or Making False Accusations
<input type="checkbox"/>	Physical Harm or Threats of Harm	<input type="checkbox"/>	Damage to Personal Property
<input type="checkbox"/>	Physical/Psychological Injuries	<input type="checkbox"/>	Inappropriate/Derogatory Writings/Graffiti
<input type="checkbox"/>	Sexual or Sex Orientation Offensive Behavior/Remarks	<input type="checkbox"/>	Repeated Unwelcome/Inappropriate Behavior
<input type="checkbox"/>	Exclusion/Prevention from Activities/Events	<input type="checkbox"/>	Intimidation Directed Towards Me
<input type="checkbox"/>	Block/Limit Movement	<input type="checkbox"/>	Racial, Sexual Orientation, Affiliation, Religious, etc., Slurs, Comments, Gestures/Behavior/Remarks
<input type="checkbox"/>	Unwelcome/Inappropriate Gestures	<input type="checkbox"/>	Other Unwelcome/Inappropriate Behavior/Remarks/Actions

Describe in detail the unwelcome/inappropriate behavior/remark(s)/action(s): _____

(Please attach additional pages if needed.)

Date(s) of Alleged Unwelcome/Inappropriate Behavior/Remarks/Actions: _____

Name of Alleged Victim/Target	Position/Job Title of Alleged Victim/Target

Name of Alleged Perpetrator/Assailant	Position/Job Title of Alleged Perpetrator/Assailant

Name of Witness	Position/Job Title of Witness

(Please attach additional pages if needed.)

Signature of Complainant: _____ **Date** _____

Next Step: Investigate and interview all parties involved.

INTERVIEW VICTIM/TARGET INVESTIGATION REPORT FORM 1b – Step 2

Interview the alleged Victim/Target:

- Adults:** The alleged Victim/Target may wish or allow a support person of his/her choice to be present during the interview.
- Students:** It may be appropriate, given the age of the child, or other circumstances, to interview parents, guardians, teachers, or other adults who can provide information regarding the alleged incident and its effect on the individual.

Describe Investigation Process to the alleged Victim/Target:

- Indicate that confidentiality will be maintained to the extent possible. Tell the Victim/Target that although you will try to keep their name confidential that you may have to share with the accused their name along with the allegations. Tell them that you will also be reminding the accused about the district policy against retaliation.
- The alleged Perpetrator/Assailant and any Witnesses will also be interviewed;
- A written report will be prepared;
- The final determination regarding what action, if any, will be taken as specified in the district policy.

Ask the alleged Victim/Target:

- How were you hurt, harmed, or offended? Describe what happened as clearly as possible (i.e., threats, requests, demands, comments, force used, touching, groping, etc.).
- Where did the incident take place? Did the incident occur in school and where; did it occur on school grounds or off school grounds and where; did it occur on the bus or waiting for the bus?
- Has this happened before? If yes, how many times? When?
- Were there witnesses? If yes who?
- Did the alleged Perpetrator/Assailant's unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation cause you to change the way you normally act?
- Did the Victim/Target confront the alleged Perpetrator/Assailant and advise him/her of the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation?
- Have you missed any school/work, school/work events, or felt unsafe in the building or on the bus because of the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation?
- Has your schoolwork/job been affected?
- Have you made any changes to your participation at school/work, school/work events, riding the bus?
- Ask the alleged Victim/Target what he/she thinks should be done. What can be done to help them feel better/safer?
- Ask the alleged Victim/Target to immediately tell someone in authority if the alleged Perpetrator/Assailant or anyone else confronts him/her regarding the investigation.

Document:

- Ask the alleged Victim/Target to write and sign a statement of his or her version of the facts. Keep notes of the interview process. Try to determine if the alleged Victim/Target is telling the truth. Remember that the alleged Victim/Target may be scared, nervous, hurt, or embarrassed. These feelings can often result in unexpected and inappropriate reactions (i.e. laughing, getting angry, etc.). Lack of perceived credibility of the alleged Victim/Target is not grounds to abandon an investigation. The investigation policies and procedures must be followed.
- Note the individual's body language. Does the individual sound believable or does his/her story sound made-up?
- Does the individual have reason to lie? Does the individual seem reluctant or refuse to relate specifics?
- Instruct the alleged Victim/Target to keep everything regarding the interview confidential.
- Document the date and time parents of victim/target were notified.

Instruct alleged Victim/Target to keep everything regarding the interview confidential.

Continue to Step 3: Investigate and interview Witnesses.

INTERVIEW WITNESS INVESTIGATION REPORT FORM 1c – Step 3

Interview the Witness(es):

- A separate investigative report must be made for each individual.
- If possible, do not reveal the identity of either the alleged Victim/Target or alleged Perpetrator/Assailant to the witness at the beginning of the interview, but do tell him/her the reason for the interview.
- Ask broad questions.
- If the witness does not offer information, ask if he/she saw or heard anything that the witness may feel was unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation the incident(s) he/she may have.
- Distinguish between firsthand and secondhand (hearsay) knowledge. Instruct the witness to keep everything regarding the interview confidential.
- Inform the witness that retaliation against the alleged Victim/Target or any of the witnesses is prohibited.

Documentation:

- Ask each witness to write and sign a statement setting forth his/her version of the facts. Keep notes of the interview process.
- Try to determine if the Witness is telling the truth. Remember that the Witness may be nervous and reluctant to say anything but do try to convince the witness that his/her statement is important.
- Note the individual's body language. Does the individual sound believable or does his/her story sound made-up?
- Does the individual have reason to lie? Does the individual seem reluctant or refuse to relate specifics?
- Instruct the Witness(es) to keep everything regarding the interview confidential.

Continue to Step 4: Investigate and interview Perpetrator/Assailant.

INTERVIEW PERPETRATOR/ASSAILANT INVESTIGATION REPORT FORM 1d – Step 4

Interview the alleged Perpetrator/Assailant:

- Adults:** The alleged Perpetrator/Assailant may wish or allow a support person of his/her choice to be present during the interview.
- Students:** It may be appropriate, given the age of the child, or other circumstances, to interview parents, guardians, teachers, or other adults who can provide information regarding the alleged incident.

Explain/Describe Investigation Process to the alleged Victim/Target:

- Allegations of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation has been made against the individual and that the purpose of the interview is to investigate the complaint.
- The alleged Victim/Target was interviewed, and any witnesses will also be interviewed.
- Indicate that confidentiality will be maintained to the extent possible. Tell them the district policy against retaliation that any form of retaliation will be dealt with.
- A written report will be prepared.
- The final determination regarding what action, if any, will be taken as specified in the district policy.
- State that the school takes all allegations of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation seriously, and that unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation is not tolerated, and that each complaint of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation is fully investigated.
- Ask if the alleged Perpetrator/Assailant knows why the allegations would have been made against him/her.

Due Process

- Ask the alleged Perpetrator/Assailant to offer his/her version of the facts. The interviewer will give the individual a chance to tell his/her side of the story. Explain the investigation process. Indicate that confidentiality will be maintained to the extent possible. Explain that no decision has yet been made as to the truth of the allegations. Only if necessary, identify the Victim/Target. Provide the alleged Perpetrator/Assailant an opportunity to set forth whether he/she has had recent interactions with the alleged Victim/Target.
- Determine if the alleged Perpetrator/Assailant has any witnesses to back-up his/her statements.
- If the alleged Perpetrator/Assailant denies that the incident occurred, ask if he/she has had any contact with the alleged Victim/Target.
- Instruct the alleged Perpetrator/Assailant to keep everything regarding the interview confidential.
- Inform the alleged Perpetrator/Assailant that retaliation against the alleged Victim/Target or any of the witnesses is prohibited.

Documentation:

- Have alleged Perpetrator/Assailant write and sign a statement of his/her version of the facts. Keep notes of the interview process. Try to determine if the alleged Perpetrator/Assailant is telling the truth. Remember that the alleged Perpetrator/Assailant may be scared, nervous, or embarrassed. These feelings can often result in unexpected and inappropriate reactions (i.e. laughing, getting angry, etc.). Lack of perceived remorse, sorrow, regret, or indifference of the alleged Perpetrator/Assailant is not grounds for guilt. The investigation policies and procedures must be followed.
- Note the individual's body language. Does the individual sound believable or does his/her story sound made-up?
- Does the individual have reason to lie? Does the individual seem reluctant or refuse to relate specifics?
- Instruct the alleged Perpetrator/Assailant to keep everything regarding the interview confidential.
- Keep notes of the interview process.
- Document date and time parents of Perpetrator/Assailant were notified.

Note: At this point, the investigator may now have enough information to determine those areas of agreement between the alleged Victim/Target's and alleged Perpetrator/Assailant's versions of the incident. If necessary, additional questions may be asked. Also, if the investigator has reason to believe that a child under the age of 18 years has been abused, abandoned, or neglected, the investigator must cause a report to be made to law enforcement and Health & Welfare within 24 hours.

Continue to Step 5: Determination of Investigation.

RESULT OF ALLEGATION OF SEXUAL HARASSMENT INVESTIGATION FORM 1e – Step 5

Based on the information gathered in the investigation, make a decision on whether this incident is an unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation. We are not a court of law, no one is subpoenaed, or testifies under oath; we do not need proof beyond a reasonable doubt. We collect as much information as we can in order to make an informed decision about student discipline.

<input type="checkbox"/>	Unwelcome and/or Inappropriate Physical Contact: Touching, Grabbing, Groping	<input type="checkbox"/>	Electronic/Digital/Technological Remarks/Offenses: Social Media, Texting, Emails, Instagram, Snap Chat, etc.
<input type="checkbox"/>	Unwelcome and/or Inappropriate Behavior/Remark/Action	<input type="checkbox"/>	Spreading Rumors or Making False Accusations
<input type="checkbox"/>	Physical Harm or Threats of Harm	<input type="checkbox"/>	Damage to Personal Property
<input type="checkbox"/>	Physical/Psychological Injuries	<input type="checkbox"/>	Inappropriate/Derogatory Writings/Graffiti
<input type="checkbox"/>	Sexual or Sex Orientation Offensive Behavior/Remarks	<input type="checkbox"/>	Repeated Unwelcome and/or Inappropriate Behavior
<input type="checkbox"/>	Exclusion/Prevention from Activities/Events	<input type="checkbox"/>	Intimidation Directed Towards Me
<input type="checkbox"/>	Block/Limit Movement	<input type="checkbox"/>	Racial, Sexual Orientation, Affiliation, Religious, etc., Slurs, Comments, Gestures/Behavior/Remarks
<input type="checkbox"/>	Unwelcome and/or Inappropriate Gestures	<input type="checkbox"/>	Other Unwelcome and/or Inappropriate Behavior/Remarks/ Actions

<input type="checkbox"/>	Peer Conflict	<input type="checkbox"/>	Behavior/Actions	<input type="checkbox"/>	One Time or Isolated
<input type="checkbox"/>	Bullying	<input type="checkbox"/>	Remarks	<input type="checkbox"/>	Repeated Over Time
<input type="checkbox"/>	Harassment	<input type="checkbox"/>	Gestures	<input type="checkbox"/>	Unwelcome
<input type="checkbox"/>	Intimidation	<input type="checkbox"/>	Physical/Emotional Injury or Damage	<input type="checkbox"/>	Inappropriate
<input type="checkbox"/>	Abuse	<input type="checkbox"/>	Damage to property	<input type="checkbox"/>	Derogatory
<input type="checkbox"/>	Assault/Attack	<input type="checkbox"/>	Interferes with Individuals Ability	<input type="checkbox"/>	Imbalance of Power
<input type="checkbox"/>	Sexual	<input type="checkbox"/>	Blocking Individual’s Movement	<input type="checkbox"/>	Planned/Intentional
<input type="checkbox"/>	Gender Orientation	<input type="checkbox"/>	Interfering with Participation	<input type="checkbox"/>	Provoked
<input type="checkbox"/>	Racial/Ethnic/Origin	<input type="checkbox"/>	Electronically/Digitally/Cyber-Tech	<input type="checkbox"/>	Unprovoked
<input type="checkbox"/>	Religion/Culture	<input type="checkbox"/>	Social Media/Instagram/Snap Chat	<input type="checkbox"/>	Debilitating
<input type="checkbox"/>	Disability			<input type="checkbox"/>	Severe
				<input type="checkbox"/>	Persistent/Pervasive

Determination – Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation:	
<input type="checkbox"/> Once a decision has been reached, notify the Victim/Target of the outcome of the investigation. If disciplinary action is taken against the Perpetrator/Assailant, this will be considered confidential information and cannot be revealed to the Victim/Target without prior written consent. <ul style="list-style-type: none"> <input type="checkbox"/> Offer school counseling support for the Victim/Target. <input type="checkbox"/> Collect all documentation from investigation. Complete <u>Sexual Harassment Reporting & Investigating Forms 1a – 1f (Steps 1-6)</u> . Attach all supporting documentation including witness statements, investigative & evidentiary documents, correspondence, emails, etc. <input type="checkbox"/> Send a copy of <u>all</u> documentation, recordings, videos, evidence, etc., to Principal and Superintendent. <input type="checkbox"/> If disciplinary action will be taken against the Perpetrator/Assailant, document the discipline action taken in MilePost or Personnel Record. <input type="checkbox"/> Possible Corrective Actions to be Taken (<i>The following list of possible corrective actions is intended to provide suggestions; other corrective actions may be appropriate.</i>) <ul style="list-style-type: none"> <input type="checkbox"/> Separate the victim and harasser. Make sure that the victim is not penalized for reporting. <input type="checkbox"/> Oral or written warnings. <input type="checkbox"/> Counseling. <input type="checkbox"/> Suspension, Expulsion, Termination, Placement on Administrative Leave, Probation, etc. <input type="checkbox"/> Transfer. <input type="checkbox"/> Recommendation to the District Review Panel. <input type="checkbox"/> Monitor the situation to be reasonably sure Student Misconduct does not resume or continue, and that retaliation does not occur.	

