



# **MILLER COUNTY**

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## BOARD OF EDUCATION

96 PERRY STREET | COLQUITT, GA 39837 | PH: 229-758-5592

## Bullying and Harassment Procedures

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## Forms

## **Practical Tips for Conducting Credible Investigations**

1. Know when tips, rumors, or allegations require an investigation, even if the informer wishes to remain anonymous, and what can be ignored. Allegations of an inappropriate relationship with a student by a school employee or threats to student safety always warrant investigation.
2. Documenting a complaint is the foundation on which an investigation rests. Avoid telling the complainant the complaint must be put in writing for you to do anything and assist, when receiving a verbal complaint or conditions warrant, in preparing a written complaint.
3. Take time to plan the investigation, as failure to do so can enable people to cover their tracks. There are many ways to approach an investigation, depending on the nature of the complaint, e.g., personnel, parent, student, sexual misconduct, or discipline issues, all with varying degrees of seriousness, and no one way works in all situations.
4. Consider whether/when to involve other agencies, such as law enforcement or DFACS, and the possibility that they may claim they were not notified in a timely manner or that the investigation interfered with their investigation.
5. Identify the existing records or documents that may contain relevant information and get them immediately, before talking to witnesses; otherwise, documents may go missing. Plan to secure written consent where required.
6. Identify other individuals who may have corroborating evidence. Resist the feeling of urgency to go immediately to the accused or the complainant or to bring them together.
7. Decide which witnesses must be interviewed and in what order, balancing decisions with available time, which is usually limited. It usually is best to talk first to the most candid and most reliable witness because once the first person is interviewed, other potential witnesses probably will know the information and questions asked.
8. Before the interview, outline the questions to be asked, recognizing that spontaneity is necessary to follow up on answers received.
9. Decide when to begin the investigation. Consider the risk of starting on Friday afternoon and continuing on Monday, as long weekends can change an investigation.
10. Decide who will conduct the interviews, considering who is likely to be the most productive in getting the information. Whether central office personnel or the superintendent need to be involved in interviewing depends on the seriousness of the allegation and its potential for ending up in litigation. Although the board attorney may be consulted throughout the process, reconsider the urge to have him/her conduct the interviews, as his/her involvement in that capacity could result in later disqualification from representing the district or an argument that the attorney's interview notes are discoverable by an opposing party.

11. Decide who will witness the interviews as backup for the interviewer. Generally, it is not a good practice to use a peer teacher as a witness when a teacher is being investigated or for the principal to use his secretary. The accused is not entitled to have an attorney/advisor present unless law enforcement is investigating a crime. Students are not necessarily entitled to have parents present, but they should be informed/involved as soon as possible depending on the facts in the specific case.
12. Remember that recording witness interviews can be a two-edged sword that may be used against the district, as it will be available to the other side in an adversarial situation.
13. Emphasize the confidentiality of the investigation and warn against retaliation against the accused, the complainant, or any other witness. Do not deceive witnesses by telling them that information disclosed will not be disclosed to anyone else. Make clear that you are not asking anyone to take sides; all they need to do is tell what their eyes saw and their ears heard.
14. Resist the temptation to bring in a student with instructions to write down what happened. Consider a technique in which the administrator, with no notes or recorder, encourages the student to tell the story from beginning to end. Once the story is out, the interviewer drafts a coherent summary statement written in the first person, allows the student to read/correct it, and gets the student to add a statement such as "I affirm this is a true statement," accompanied by the signatures of the student and a third party who witnessed the interview.
15. Do not make statements during the interview that express an opinion one way or the other, as sympathetic listening can be misinterpreted as witness support that may come back to haunt the interviewer.
16. It is generally better to gather all relevant information from other witnesses before interviewing the accused so that there will be a frame of reference for evaluating the testimony of the accused. Decide in advance what information obtained from witnesses will be disclosed to the accused.
17. When interviewing the accused, avoid giving advice or making threats. Start with general questions and narrow them down to specific facts that are alleged. If the accused admits to the allegations, be prepared with options available to the accused. If the accused denies the allegation, put that in the statement.
18. Be sure that interview or other investigation documents are properly identified and dated.
19. Document the process, regardless of whether the investigation is conclusive or otherwise, to protect the district from later allegations that administrators knew and did nothing. Avoid telling the complainant that there is no evidence. If there is no conclusive evidence, there should be statements from witnesses that led to that conclusion.
20. Decide what type of report, if any, should be produced detailing the investigation results and any recommendations the investigator may have, remembering any privacy or disclosure rights that may exist under the Georgia's Open Records Act or the Family Educational Rights and Privacy Act.

## HOW TO DETERMINE WHETHER AN INCIDENT MAY BE CONSIDERED BULLYING OR/AND HARASSMENT

Incident – (1) Did the act occur on school property, on school vehicles, at school bus stops, at school-related functions or activities, or by use of data or software that is accessed through a computer, computer system, computer network, or other electronic technology of a local school system? Or (2) Did the act occur off-campus and was such that could result in the student being criminally charged with a felony and which makes the student's continued presence at school a potential danger to persons or property at the school or which disrupts the educational process?

**Yes**

**No.** Then it is not the jurisdiction of the school district, but . . .

Was the conduct (1) Any willful attempt or threat to inflict injury on another person, when accompanied by an apparent present ability to do so; **OR** (2) Any intentional display of force such as would give the victim reason to fear or expect immediate bodily harm; **OR** (3) Any intentional written, verbal, or physical act, which a reasonable person would perceive as being intended to threaten, harass, or intimidate: (a) did the act cause another person substantial physical harm or visible bodily harm within the meaning of Code Section 16-5-23.1<sup>1</sup>; or (b) has the effect of substantially interfering with a student's education; or (c) is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) substantially disrupts the orderly operation of the school?

**No.** Not bullying under the legal definition, regular discipline applies.

Was the conduct related to the student's race, color, national origin, sex or disability?

**Yes.** Then the conduct may be considered "harassment"<sup>2</sup> under federal regulations. Please see the Harassment flow chart to determine the appropriate steps to take in addressing the conduct.

**Yes.** Then the conduct would meet the definition of "bullying" under the Georgia law. Please see the Bullying Procedures flow chart to determine the appropriate steps to take in addressing the conduct.

**Warning.** Where there is an incident that you answer yes to both bullying and harassment, both flow charts must be completed in order to comply with state and federal requirements.<sup>3</sup>

1. O.C.G.A. § 16-5-23.1 – Definition of battery. A person commits the offense of battery when he or she intentionally causes substantial physical harm or visible bodily harm to another. As used in this Code section, the term 'visible bodily harm' means bodily harm capable of being perceived by a person other than the victim and may include, but is not limited to, substantially blackened eyes, substantially swollen lips or other facial or body parts, or substantial bruises to body parts.
  
2. According to the October 26, Dear Colleague letter, OCR's position is that harassment with motive based on "any actual or perceived characteristic including race, color, ethnicity, religion, gender, sexual orientation, ancestry, national origin, physical attributes, socioeconomic status, physical or mental ability or disability, or by any other distinguishing characteristic" can be investigated by OCR.
  
3. When starting an investigation, consider if you need others to be involved, including DFACS or law enforcement and possibility special education staff. Further, it may be necessary to include other administrators based on the severity of the incident and who may be best to interview certain witnesses.

## BULLYING PROCEDURES

Where a bullying incident has occurred, as defined by O.C.G.A. § 20-2-751.4, follow the steps below:

### Reporting

All allegations of bullying should be funneled/reported through the Principal or an administrator (“Administrator”) charged with the responsibility.

### Investigation

After the Administrator has the report, an investigation should commence in a timely manner. The State’s guidance indicates the investigation should be no later than the following school day. That is not required under the law. The investigation should include documented interviews with the students and adults involved with the incident, including the person reporting the misconduct.

**Determination and Investigation Report.** The Administrator will make a determination if the conduct is bullying and complete an investigation report.

**No.** Not bullying, but need to assess whether regular disciplinary procedures apply.

After the investigation, was the conduct bullying?

Notification to victim’s parents.

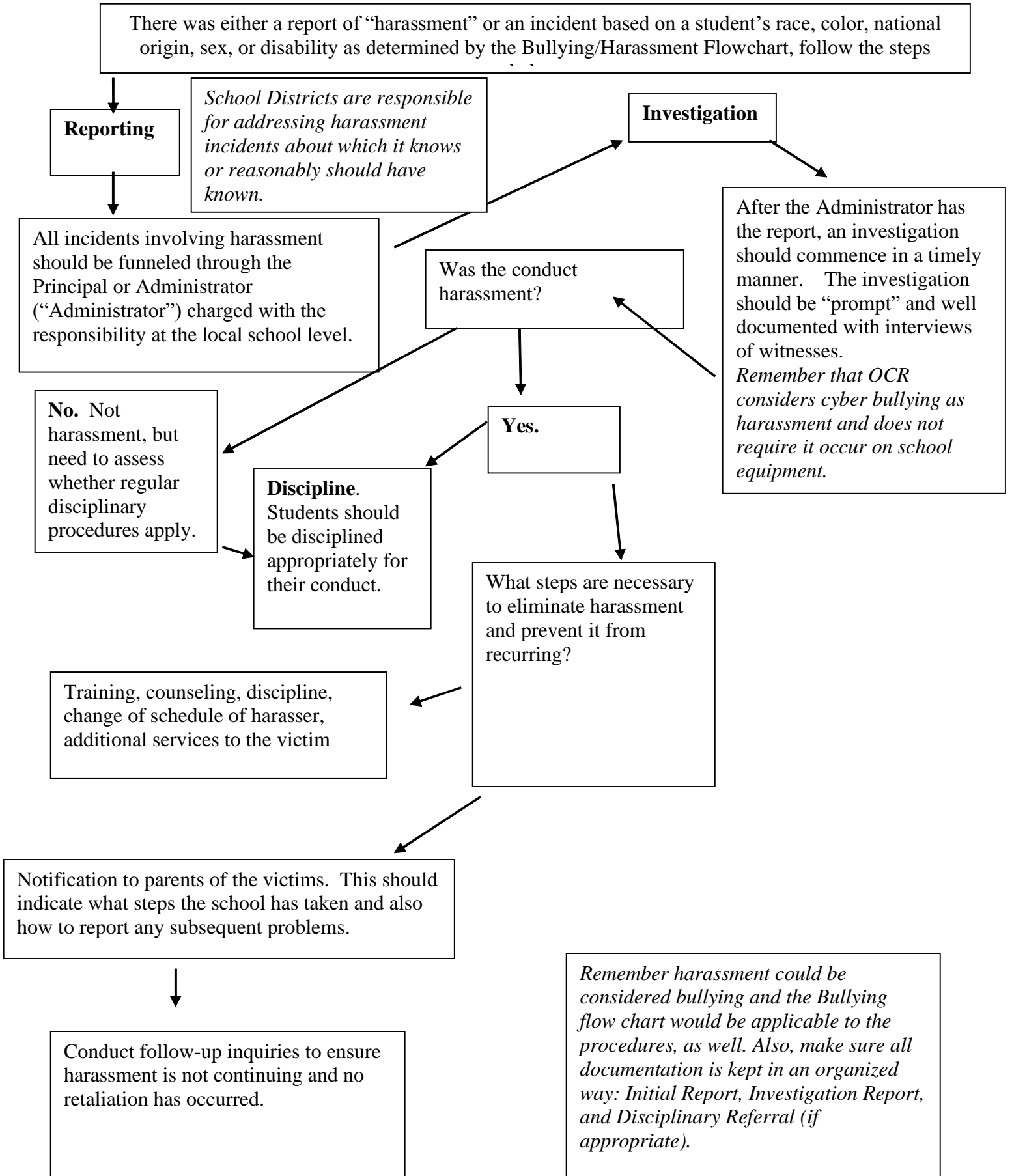
**Yes.** The conduct meets the definition of “bullying” under the Georgia law. You must notify the parents of the victim and the student that committed the offense.

Notification to parents of student who committed offense.

**Discipline.** If there is a finding that bullying or harassment occurred, then the accused should be charged with such offense and an age-appropriate consequence, as listed in the student conduct code, should follow.

*Remember bullying could be considered harassment and the Harassment flow chart would be applicable to the procedures as well. Also, make sure all documentation is kept in an organized way: Initial Report, Investigation Report, and Disciplinary Referral (if appropriate).*

**HARASSMENT PROCEDURES**  
(Based on OCR Guidelines)





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## BULLYING/HARASSMENT INITIAL REPORT FORM

Date of report: \_\_\_\_\_ Name of Student: \_\_\_\_\_  
Name of reporter: \_\_\_\_\_ Grade: \_\_\_\_\_  
Description of Incident:

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Date of investigation: Start \_\_\_\_\_ Complete: \_\_\_\_\_  
Check disciplinary history: \_\_\_\_\_ Notify parents of victim: \_\_\_\_\_  
Notify parents of student: \_\_\_\_\_  
Result of Investigation: (discipline referral may be attached if appropriate)

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## HARASSMENT INVESTIGATION FORM

Date of report: \_\_\_\_\_ Name of student: \_\_\_\_\_

Name of reporter: \_\_\_\_\_ Grade: \_\_\_\_\_

Interview of Student: \_\_\_\_\_ Date of Interview of student: \_\_\_\_\_

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Review disciplinary history: \_\_\_\_\_

Description of Incident (interview of witness):

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Date of Interview of witness: \_\_\_\_\_

Description of Incident (interview of witness):

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Date of Interview of witness: \_\_\_\_\_

Description of Incident (interview of witness):

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Date of investigation: Start \_\_\_\_\_ Complete: \_\_\_\_\_

Result of investigation:

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Follow up, if necessary:

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Date of Interview of witness: \_\_\_\_\_

Description of Incident (witness interview):

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Date of investigation: Start \_\_\_\_\_ Complete: \_\_\_\_\_

Discipline resulting from investigation:

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Follow up, if necessary:

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(this form should be kept with the initial report form)



# MILLER COUNTY BOARD OF EDUCATION

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Date: \_\_\_\_\_

Re: **BULLYING PARENT NOTIFICATION FORM**

Dear Parent/Guardian:

It was reported that your child committed an offense against another student that could be considered bullying. Based on an investigation, we have determined that the incident did constitute bullying under the definition of Georgia law and we have included the discipline referral form. Please feel free to contact \_\_\_\_\_ (designated school administrator) if you have any questions.

Sincerely,

(name and title)

(Discipline referral could take the place of this notification)



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Date: \_\_\_\_\_

Re: **VICTIM OF BULLYING PARENT NOTIFICATION FORM**

Dear Parent/Guardian:

It was reported that your child was the victim of an incident with another student that the reporter believed could be considered bullying. Based on an investigation, we have determined that the incident did constitute bullying. We are taking appropriate steps to address the conduct of the other student. Please feel free to contact \_\_\_\_\_ (identify member of staff designated for this conference) if you have any questions.

Signature  
(name and title)