

FALL RIVER PUBLIC SCHOOLS

"The Scholarship City"

417 Rock Street, Fall River, MA 02720

Matthew H. Malone, Ph.D., Superintendent

FORM 2

BULLYING/HARASSMENT INCIDENT INVESTIGATION FORM

Signature: _____ Date Received: _____

1. Investigator(s): _____ Position(s): _____

2. Interim Measures: Please list any interim measures, if applicable, that have been put in place to ensure the safety of the victim while the investigation is pending (check all that apply):

- Scheduling changes for alleged aggressor Safety protocols
- Transfer of alleged aggressor, or, if voluntary, transfer of alleged victim
- Administrative leave during pendency of the investigation

Other: _____

3. Resolution Process Used: Informal Formal

Participation by affected individuals, including alleged victims, in an informal resolution process is entirely voluntary and the Fall River Public Schools does not have the authority to require individuals to participate in the informal resolution process. An individual alleging harassment or bullying may elect to end the informal process at any time and request to begin a formal investigation.

If the informal process was used, please describe the process and the resolution:

If the formal process was used, please continue to complete this form.

4. Investigation Checklist/Guidance:

The investigator(s) have gathered as much relevant and reliable information as possible, including but not limited to:

- Witnesses were interviewed separately outside the presence of others with consideration for confidentiality;
- Before beginning the interview, the purpose of the interview and the prohibition/protection against retaliation was explained;
- Explained to witnesses that they may be asked to be interviewed again as a follow up as is often the case in any investigation;

- Explained to both the complainant and the alleged aggressor that they will be notified of the outcome of the investigation after it has been concluded;
- Requested that witnesses maintain confidentiality regarding the investigation to protect the integrity and reliability of the investigation;
- Requested a written statement from the victim, target and other witnesses which are signed and dated;
- Asked witnesses for names of all relevant witnesses;
- Interviewed all witnesses identified by the target and aggressor (and/or their parents);
- Interviewed all other relevant witnesses;
- Maintained contemporaneous notes of all interviews;
- Notes reflect specifics in terms of dates, times, and locations of any incidents;
- Reviewed video surveillance or Video surveillance not available/applicable;
- Sought copies of all relevant documentation including texts, emails, photograph and/or social media evidence from relevant parties and witnesses; and
- Considered information from prior investigations involving the same parties.

5. Interviews:

Interviewed aggressor(s) Name: _____ Date(s): _____

Name: _____ Date(s): _____

Name: _____ Date(s): _____

Interviewed target(s) Name: _____ Date(s): _____

Name: _____ Date(s): _____

Interviewed witness(es) Name: _____ Date(s): _____

Name: _____ Date(s): _____

Name: _____ Date(s): _____

Name: _____ Date(s): _____

Name: _____ Date(s): _____

Name: _____ Date(s): _____

Name: _____ Date(s): _____

6. Any prior documented incidents by the aggressor? Yes No

If yes, have incidents involved target or target group previously? Yes No

Any previous incidents with findings of bullying or retaliation? Yes No

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FORM 3

BULLYING/HARASSMENT INCIDENT CONCLUSION/OUTCOME OF INVESTIGATION FORM

I. CONCLUSIONS/OUTCOME OF THE INVESTIGATION

1. Finding of Bullying

Under the Massachusetts Bullying Act, M.G.L. c. 71, 370 bullying is defined as the repeated use by one or more students or staff members of a written, verbal or electronic expression or a physical act or gesture or any combination thereof, directed at a target that: 1) causes physical or emotional harm to the target or damage to the target’s property; 2) places the target in reasonable fear of harm to himself or herself or damage to his or her property; 3) creates a hostile environment at school for the target; 4) infringes on the rights of the target at Fall River Public Schools; or 5) materially and substantially disrupts the education process or the orderly operation of the school.

A. Was bullying substantiated by a preponderance of the evidence?

- YES, the evidence established that the victim was subjected to bullying as defined under M.G.L. c. 71, 370.
- NO, the evidence was insufficient to establish the student(s) was subjected to bullying as defined under M.G.L. c. 71, 370.

2. Discrimination/Harassment

A. Finding of Discriminatory Harassment

Discriminatory harassment occurs when the conduct established by a preponderance of the evidence creates a hostile environment on the basis of race, color, national origin, sex, sexual orientation, gender identity, disability, religion or age. A hostile environment is created when the established conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.

- None/Not Applicable. There was no allegation or report that the alleged conduct was based on a protected class (i.e., of race, color, national origin, sex, sexual orientation, gender identity, disability, religion or age)?
- YES, the evidence established that the individual(s) was subjected to a hostile environment on the basis of a protected class (check all that apply):
- | | |
|---|--|
| <input type="checkbox"/> race, color or national origin | <input type="checkbox"/> sex/gender |
| <input type="checkbox"/> sexual orientation | <input type="checkbox"/> gender identity |
| <input type="checkbox"/> disability | <input type="checkbox"/> age |
| <input type="checkbox"/> religion | |
- NO, the evidence was insufficient to establish the student(s) was subjected to a hostile environment based on a protected class.

3. Retaliation

Definitions: Under the Bullying Law (M.G.L. c. 71, 370), “retaliation” is defined as any form of intimidation, reprisal or harassment directed against a person who reports bullying, provides information during an

investigation about bullying, or witnesses or has reliable information about bullying. Under civil rights laws, specifically, if a student, parent, teacher, etc. brings forward an alleged civil rights concern to the attention of school personnel, it is against the law to retaliate against this person for doing so. This person cannot be threatened, intimidated, coerced, or discriminated against in any way.

A. Was retaliation alleged or reported? YES NO

B. Finding of Retaliation

None/Not Applicable; There was no allegation or report of retaliation.

YES, the evidence established that the individual(s) was subjected to retaliation under the Bullying Law and/or civil rights laws.

NO, the evidence was insufficient to establish the student(s) was subjected to retaliation under M.G.L. c. 71,370 and/or civil rights laws.

4. Police Notification YES NO

If yes, date contacted and name of contact: _____

5. Discipline Referral: YES NO

If yes, disciplinary sanction imposed and/or individual to whom the matter was referred: _____

6. Special Education Status:

A. Is the alleged target on a 504 plan or IEP? YES NO

1. If yes, was the building level 504 Coordinator and/or IEP Team Chair notified of the finding?

YES NO

II. SAFETY PLANNING/CORRECTIVE ACTIONS

1. Remedial and/or Corrective Actions

Community Service

Education, training, or counseling for aggressor

Counseling for target

Regular check-ins with target to ensure well-being

Loss of Privileges

Detention

Limitation on extra-curricular activities

Suspension Dates Excluded: _____

Staff: written reprimand, suspension or termination

Restoration (only if voluntarily consented to by both parties)(e.g., apology, mediation)

Other _____

Scheduled Follow-up with Aggressor:

Date(s) Scheduled: _____

2. Additional Safety Measures Taken For the Victim

Describe Safety Planning Measures: _____

Scheduled Follow-up with Target/Victim for safety check-in:

Date(s) Scheduled: _____

NOTICE OF OUTCOME

1. Target's parent/guardian notified of outcome:

Verbal Notification Date: _____ Person contacted: _____

Written Notification Date: _____ Person contacted: _____

2. Aggressor's parent/guardian notified of outcome:

Verbal Notification Date: _____ Person contacted: _____

Written Notification Date: _____ Person contacted: _____

Report forwarded to Civil Rights Coordinator: Date _____

(If principal was not the investigator)

File in X2 – Aspen Follett: Date _____

Signature and Title: _____ Date: _____

Attach any additional notes and written statements as needed with the report.