

## **Questioning Prompts - Bully, Harassment and Discrimination Investigations**

“One of the most important traits for interview of accused, the victim and witnesses is empathy”– NJ Sherriff Organization

### ***Questions for the Alleged Victim:***

<b>Questions and Purpose of the Questions</b>
<p><b>1. Identify who, what, when, where, and how: Elicit the facts from the alleged victim’s perspective:</b></p> <p>Who committed the alleged B, H, D?</p> <p>Are you or have you ever been friends with the accused?</p> <p>What exactly occurred or what was said?</p> <p>What actual words or phrases were used by the accused?</p> <p>Have you said or done anything back to the accused? (May assist in determining if it is bullying or conflict)</p> <p>Did anyone hurt you physically (push, shove, kick)?</p> <p>Did the incident happen in person, online or both?</p> <p>When did it occur and is it still ongoing?</p> <p>Where did it occur?</p> <p>How often did it occur?</p> <p>Did others witness these events? If so, who?</p> <p>Do you remember dates and times of the event(s)?</p> <p>Did you tell any friends; family, school staff about the B, H, &amp; D?</p> <p>Who did you tell? When and what did you tell the person?</p> <p>Did you need medical care? If so, who did you see and when?</p> <p>Did you do anything to try and make the behavior stop? If so, what? How did it work?</p> <p>Why don’t you think you can stop the behavior? (This will elicit responses to support an imbalance of power)</p>
<p><b>2. Elicits whether the alleged harasser was made aware that their conduct was unwelcome</b></p> <p>Did you ever complain to the harasser or make them know you didn’t like the behavior?</p> <p>Did you ever ask the harasser to stop the behavior?</p>
<p><b>3. Elicits possible remedies</b></p> <p>What would make the situation better for you?</p> <p>Is there anything we can do right now to make you feel better?</p> <p>What would you like to see happen in the situation?</p>
<p><b>4. Elicits whether the behavior has had a negative impact on the student’s right to a free and safe public education</b></p> <p>Do you think the situation has had any effect on your school work; learning?</p> <p>Do you think the situation has affected your social life?</p> <p>Are there things that you stopped or started doing since the situation started?</p> <p>Are you anxious about any upcoming events or situations?</p>
<p><b>5. Collection of evidence</b></p> <p>Do you have any letters; texts; screen shots; pictures, etc. that are associated with this situation?</p>

### ***Questions for the Alleged Harasser:***

#### **1. Identify who, what, when, where, and how: Elicit the facts from the alleged harasser's perspective**

***Let the alleged harasser know that the district takes B, H, & D complaints very seriously. Tell them you are conducting a fair investigation and that he/she will have every opportunity to share his/her side of the story***

- A. If the accused does not already know who has made the accusation against the, it is often helpful to begin the questioning by asking them whether they can think of anyone who has any reason to make up a lie about them. If the answer is no, this makes it more difficult for the accused to claim later that the accusation is a product of an unfair vendetta. If the answer is yes, and the accused presents a motive for the accuser to lie, then the accused's credibility will be enhanced.
- B. Start with general and open-ended questions. Leading questions tip the accused off as to the nature of the allegations, and help him to craft a false "story". The following are examples of good ways to start the questioning:  
Did anything unusual happen in the locker room yesterday?  
Did you see anyone else doing anything inappropriate in the locker room yesterday?
- C. If the accused denies knowledge of any unusual events, ask gradually more narrow questions. When the accused starts talking about the incident you are investigating, follow up with open-ended questions starting with the 5 W's (who, what, when, where and why):  
Who else was there? What happened next? When did this happen? Where did this happen? Why did you do that?
- D. If necessary, recite events and dates claimed by the alleged victim as B, H, & D  
Ask accused for his/her response: record details of events and dates as recited by the alleged harasser.  
Tell me the difference between \_\_\_\_\_ story and your story.  
Are you or have you ever been friends with the alleged victim?  
What exactly occurred or what was said?  
What did you actually say/do to the alleged victim?  
What actual words/phrases were used by the complainant?  
Did you ever touch the complainant?  
Do you two have contact online?  
Did others witness these events? If so, who?  
Do you remember dates/times of the event(s)?  
Did you tell any friends; family; school staff about what happened?  
Who did you tell? When and what did you tell that person?

#### **2. Elicits whether the alleged harasser was made aware that their conduct was unwelcome.**

Did \_\_\_\_\_ ever let you know that they didn't like your behavior?  
Did they ever ask you to stop the behavior?  
Has an adult ever spoken to you about your treatment of \_\_\_\_\_?

#### **3. Elicits possible remedies/Also elicits inconsistencies/Discriminatory thoughts**

What would make the relationship between you and \_\_\_\_\_ better?

**4. To ascertain/clarify complainant's alleged harasser's facts**

If the alleged harasser asserts that the complainant's claims are false or never happened, ask why complainant would lie.

Are there any persons who have relevant information?

Do you know of any other relevant information?

Is there anything you might have said that may have led someone to falsely conclude that XYZ occurred?

Can you think of any way that someone may have gotten the false impression that you did XYZ?

**5. Collection of evidence**

Do you have any letter; texts; screen shots; pictures; etc. that are associated with this situation?