

Dignity for All Students Act (DASA)

When/How to Conduct an Investigation

1. Is a formal investigation necessary?

- a. Misbehavior – No need for a formal investigation.
 - i. Resolve informally/quickly
- b. Formal written complaint – Yes
- c. Off campus conduct/connect to school district – Yes
- d. Bullying – Yes
 - i. Imbalance of power
 - ii. Intentional
 - iii. Repeated

2. If yes, investigate promptly

- a. Identify list of witnesses who may have relevant information
- b. Prepare questions for interviews
- c. Using a witness to the interviews can be helpful:
 - i. Note taker
 - ii. Protect against unfounded claims
 - iii. Consider the individual in question; would the extra support be helpful?
 - iv. Does the level of anger or violence suggest it might be helpful or important from a safety perspective?

3. Interview Victim

- a. Explain the purpose of the interview
- b. Do not promise confidentiality
- c. Elicit specific information from the witness
 - i. Who
 - ii. What
 - iii. Why
 - iv. When
 - v. Where
 - vi. How
- d. Close the interview
 - i. Ask if there is anything else he/she thinks you should know.
 - ii. Direct the victim to maintain confidentiality
 - iii. Inform victim of the prohibition against retaliation
 - iv. Inform victim they will be advised of the outcome of the investigation

4. Interview Relevant Witnesses

- a. Employ same methodology as when interviewing victim – see #3 above.

5. Interview Alleged Aggressor

- a. Explain meeting.
- b. Do not promise confidentiality
- c. Explain effects of refusal to participate (e.g. inferences may be drawn from other evidence only, forced to make decision based on information obtained, etc.)
- d. Allow him/her to share his/her story and offer the opportunity for accused to provide additional details.
- e. Inform alleged aggressor of prohibition against retaliation against complainant and witnesses.
- f. Inform alleged aggressor he/she will be informed of outcome.

6. Draft an Investigation Report

- a. What are the allegations?
- b. Who did you interview?
- c. Chronology of the investigation.
- d. What triggered the investigation?
- e. Background information
- f. Summary

7. The findings

- a. Did the conduct occur?
- b. Did the conduct violate policy?
- c. Document determination/outcome of investigation
- d. Recommend remedial or corrective action
- e. Document discipline imposed and remediation services provided

8. Preserve information relevant to the investigation

9. Take steps to keep the investigation as confidential as possible

10. Take steps to safeguard the victim

11. Do not take an action which could be perceived as retaliatory

12. Responding to complainant's request not to investigate

- a. District cannot be purposefully ignorant of the issue
- b. Explain the school district has no choice but to investigate
- c. Responsibility to protect student
- d. Confidentiality not guaranteed