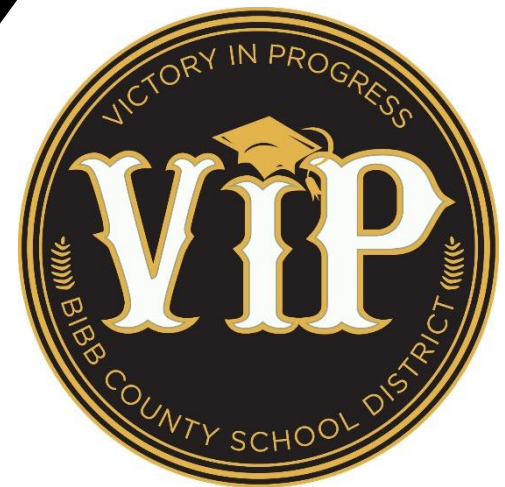


Conducting Investigations

Edwin B. Aaron, Executive Director of Personnel
Bibb County School District

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Purpose of an Investigation

The purpose of an investigation is to determine:

- what happened;
- what were the causes;
- who was responsible;
- what actions should be taken to correct the current situation; and
- what actions should be taken to ensure that a similar violation does not occur in the future.

What Initiates an Investigation?

Investigations are conducted when an allegation is made in regards to misconduct or violation of a law, policy, or procedure in the workplace.



Know the culture and the environment of your District and community.



Investigations
should
address
or answer
six questions.



The Role of the Investigator

- The investigator is first and foremost a fact-finder. Your job is to collect all the information, documentation, evidence, statements and data related to a particular complaint.
- An investigator must maintain strict confidentiality regarding any case in which there has not been a final decision.



Step 1

Isolate the Initial Issue.

Often times, ancillary issues will present themselves and should not be ignored; however, it is important to remain focused on the allegation that initiated the investigation.

Step 2

Have a working knowledge of the policies, laws, and statutes that may effect the issue(s).



Step 3

Collect Evidence

Collect all evidence available to substantiate or disprove allegations of educator misconduct.

Examples: pictures, emails, photocopies of text messages, test documents, laboratory results, notes.

Evidence is anything that can be collected and presented.

Step 4

Witness Statements

If witness statements are provided prior to the interview:

- review the statements; and
- prepare questions that will provide clarification and ensure that the witness statements answer the “**six questions.**”

Have the statements available when you interview the witnesses.



Step 5

Preparing for the Interview

- Prepare questions ahead of time.
- Create an environment that is conducive to conducting interviews.
 - Low traffic area
 - Quiet
 - Private

Step 6

Conducting Interviews

- Build rapport. Introduce yourself and explain your purpose for interviewing the witness. Inform the witness that you are conducting an “official investigation”.
- Have a second person present to take notes.
- Remain neutral and focused; do not show your emotions or share your opinions.
- Do not try to interpret statements or ask leading questions.

Conducting Interviews Continued

- Start with questions to which you already know the answers.

Name, address, phone, position, years with the district, etc.

- Shift to more difficult questions and look for changes in demeanor (non-verbal cues).
- Repeat questions.



Conducting Interviews Continued

Children

- Always let the child/student know that he is not in trouble.
- Start with questions that are intended to relax the child/student before becoming more specific.

Who is your favorite teacher? Do you like school? What's your favorite class? What do you want to be when you grow up?

- Role play or use charts.



Question?

Are school officials required to notify parents prior to interviewing a student?

Turn and discuss with your elbow partner.



Interviewing Children Continued...

It is considered best practice to notify parents whenever a District level official is going to interview or speak with a child. Give them the opportunity to be present.

If the parent is present:

- seat the parent outside of the child's direct view;
- instruct the parent to not intervene; and
- seat the student at the position of power, the head of the table.

Conducting Interviews Continued

- Contact the parents of each student you interview prior to the end of the school day.
- Encourage student witnesses to talk with their parents, counselor, or you if they have any concerns.
- Do not share the result of your personnel investigation with any parent, student, or other staff member, as your findings are confidential.

Conducting Interviews Continued

- Do not interview more than one person/student at a time.
- Do not interview a student in front of another student or another student's parent.
- Do not allow a parent to confront the accused staff member.



Conducting Interviews Continued

- To the extent possible, do not allow witnesses to sit or converse with each other prior to your interview.
- Keep an open mind. Even the worst trouble-maker could be making an honest report.
- Do not promise or guarantee anything, including confidentiality that you cannot deliver.
- Stay calm and objective.



Conducting Interviews Continued

- Ask open-ended questions and let the witness tell you what happened before moving on to specifics.
- Obtain a verbal picture of the events.
- Do not interrupt witnesses during an interview. Let witnesses talk. Silence between questions will often solicit additional information from a witness or the accused. They will think that the question has not been answered properly and will attempt to add information that they would not normally provide.

Conducting Interviews Continued

- Ask each witness at least three different times, some variance of: “Is there any other information that you can remember/provide that would be helpful in determining what happened?”
- Repeat back to the witness what you understood them say to ensure that they know that you are listening and that you heard what was intended.
- Do not be accusatory or lead a person to believe you are angry while trying to gather information.
- Thank the person for the interview and tell them you might have additional questions later.
- Encourage reporting of retaliation and any attempts to influence the witness.

Conducting Interviews Continued

- Make sure you have recorded the correct mailing and residence address and telephone number for every witness. Get this information directly from each witness. Make sure parent/guardian information is accurate. (PSC will need this information)
- Secure all evidence, including access to technology and follow the school system protocol.
- During the course of an investigation, it may become apparent that a criminal act has been committed. In such cases, DFCS and/or law enforcement must be notified per O.C.G.A. section 19-7-5.

Discussion

At what point during the investigation should you interview the accused?



How Many Witnesses Should be Interviewed?

- Typically if the incident occurred in the classroom, a good rule of thumb is to interview 1/3 of a class.
- Cameras in the classroom will be a game changer.
- No two witnesses will see the same thing.



Investigations are not the time for any type of meeting between the accused staff member and the accused victim's parent.

A conference where the parent and the accused staff member are present at the same time may take place at a later date after you have completed your investigation and made a determination.

Taping VS. Taking Notes



Should you record interviews?

Can the employee record the interview?

Turn and talk to your elbow partner.

Physical Injuries Involving Students

- Seek Medical attention as necessary (school nurse or 911).
- If a child reports that she/he is injured and you don't see visible signs, assume that she/he has been injured.
- Take photographs of injuries as soon as possible. Some marks fade quickly and some injuries are less pronounced over time.
- Multiple pictures may be taken and the best shots should be chosen for the investigative file.
- One photograph should be an establishing shot showing the victim's face so that it can be substantiated that the injuries are on the actual victim.
- One photograph should be a close-up showing details of the injury.
- One photograph should be a close up showing details of the injury with a ruler or tape measure to show the scale of the injury.



Sexual Misconduct

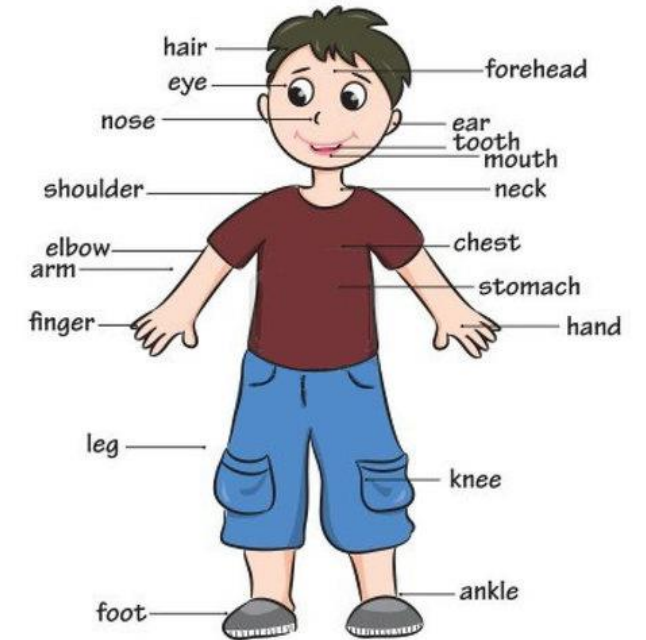
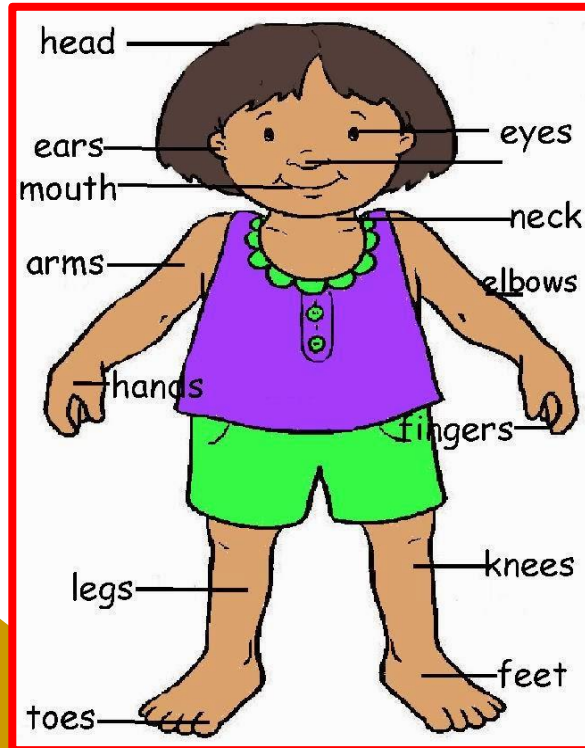
The definition of sexual battery is provided (O.C.G.A. 16-6-22-1)

A person commits the offense of sexual battery when she/he intentionally makes physical contact with the intimate parts of the of the body of another person without the consent of that person. Intimate parts may mean the touching of the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breast of female.

Using Props For Investigations



Diagram for Body Parts



Learning English with easypacelearning.com

Charts such as these may be used for children or victims who have difficulty expressing themselves.

Interviewing Non-Verbal Children



- It is possible to interview non-verbal students and utilize them as witnesses.
- Use props, objects, and role playing. Allow the students to demonstrate.
- Interview them in their classroom – comfort zone.



Harassment Complaint

Notice to the Complainant

The letter to the Complainant should notify:

- the complainant that HR has received the complaint;
- the complainant of any immediate action that has been taken;
- the complainant that an investigation is being conducted; and
- the complainant of the time constraints, processes and rights to appeal the resolution.



Conclusion of Investigation Letter

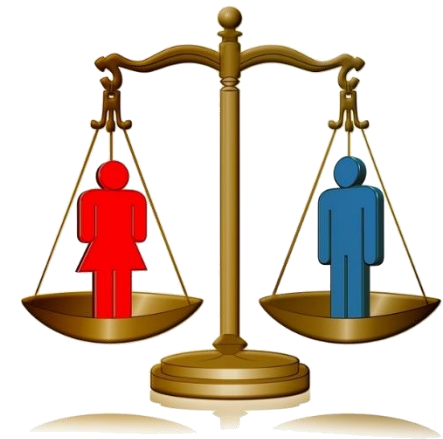
Notice of Findings

The notice of findings letter should include:

- clearly stated findings from the investigation;
- whether the allegations were substantiated;
- the District's action; and
- the appeal process.

When did Title IX become more than just Sports Equity?

What started as federal law to ensure gender equity in school athletics, has been expanded to include sexual harassment and misconduct with students.



Cyber Investigations

For any inappropriate use of school computer.

- Secure access to the computer.
- Secure access to the cell phone.
- Contact technology to review information and files on the computer.

There is **no expectation of privacy** when using Board equipment.



Reporting Responsibilities

- Prior to the completion of an investigation review the accused personnel file.
- At the conclusion of the investigation, send written notice to the complainant.
- Communicate with the accused as appropriate.



Investigative Reports

Does every investigation require an investigative report or summary?



Formats of Investigative Reports

Narrative Report

versus

Form Report



Investigation Summary Template

Sample Form Report

Draft
INVESTIGATIVE SUMMARY

Case No.:
Employee:
Facility:
Issue:

Findings:

- 1.
- 2.
- 3.

Findings of Fact:

Standards, Rules, Laws, Violated:

Supporting Documents:

Witness Information:

Submitted by whom and Date:

Recommendations?

Investigative Notes

Investigative notes, statements and personal notes are subject to open records request. What should you keep; what should you destroy? Should you destroy any thing?



Open Records

Within 10 days of completion of your report, your report becomes subject to open records.

UNLESS:

You made a report to a third party, typically the GAPSC.

You may release information to the accused in order for he/she to prepare for a defense.



Your Investigation Can Often Impact:

Fair Dismissal Hearing
Unemployment Hearing
OCR/EEOC Complaint



Questions and/or Comments?

