

## Cooperative Board

### Administrative Procedure - Guidelines for Investigating Complaints and Allegations of Misconduct

As a general rule, all complaints should be investigated, even when the complainant requests that nothing be done or is anonymous.

#### Step 1: Before the Investigation

- A. According to policy 2:260, Uniform Grievance Procedure, the Executive Director appoints at least two Complaint Managers, one of each gender. The Cooperative Complaint Manager investigates: (1) complaints filed under policy 2:260, Uniform Grievance Procedure, and (2) allegations of employee misconduct.
- B. The appropriate Coordinator, Program Administrator, or designee investigates all allegations of student misconduct.
- C. Anyone with a complaint or making an allegation of misconduct should be referred to the Complaint Manager, Coordinator, or Program Administrator without delay.
- D. A Complaint Manager, Coordinator, or Program Administrator (hereafter referred to as “investigator”) will investigate all complaints or allegations of misconduct, except that, depending on the circumstances, the Executive Director may appoint a special investigator. An investigator should not have any involvement with the complainant or the alleged wrongdoer. The Executive Director will ensure that investigators have sufficient authority and resources.
- E. The investigator should provide a fair opportunity for both sides to be heard.
- F. The investigator should begin by carefully reading the complaint. Next the investigator should review applicable Board policies, administrative procedures and manuals, laws, regulations, and collective bargaining agreements.
- G. The investigator should develop a plan, including:
  - Witness list
  - Order of interviews
  - Questions for witnesses
  - Physical evidence needed, e.g., records, documents, reports, photos, and letters
- H. The investigator should make logistical arrangements, e.g., determine interview location and the need for photographs and/or a video or audio recording.

#### Step 2: The Investigation

- A. Typically, interview the complainant first, next the subject of the investigation, and, finally, all witnesses. The following applies to all interviews:
  - If possible, statements should be written, dated, and signed by the person being interviewed.
  - Ask open-ended questions and do not suggest answers to questions.
  - Record important details, essentially who, did what, to whom, when and how done and, if appropriate, why?
  - Be objective and nonjudgmental; do not prejudge an alleged wrongdoer’s guilt. Never show outrage or dismay.
  - Ask for the names of any other witnesses.

- Deal with emotional outbursts and anger by patiently explaining that details are needed for an accurate investigation.
  - If a witness cannot be interviewed, record the reason.
- B. While confidentiality should be maintained, do not make promises of confidentiality or anonymity. Only the Executive Director may promise confidentiality or anonymity.
- C. Keep the Executive Director informed, but do not discuss the investigation with Board members in order to avoid the appearance of prejudice or unfairness.
- D. Obtain copies of all necessary papers. Originals are not needed, but record how to get them.
- E. Collect physical evidence and photographs. Keep a record of when, and where, or from whom physical evidence was gathered.
- F. Document everything about the interview, including the person's demeanor, gestures, accuracy of memory, and overall credibility.
- G. During the investigation, keep the investigation file separate from personnel or student record files. In a subsequent hearing, the opposing side may be able to view the investigation file.

### Step 3: Following the Investigation

- A. Report to the Executive Director or designee the investigation results, that is, the matters investigated, facts, conclusions, and recommendations. Prepare a written report if requested.
- Answer who, what, when, where, why, and how.
  - Factual findings are based on whether an incident's occurrence is more likely than not. Identify as many factual findings as possible to support a conclusion. In a "he said, she said" scenario, a decision can be based on the credibility of the parties and witnesses. Include in the report any findings that are inconclusive.
  - Make a determination regarding credibility of specific evidence, that is, how believable is it and why. Credible evidence is capable of belief by a reasonable person.
- B. Be prepared to testify as to the fairness of the investigation, the authenticity of the evidence, and the contents of the investigation report.

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