

PERSONNEL

Investigative Procedures

This ~~Regulation document~~ will shall guide the conduct of investigations of allegations involving or related to employees of the School Board. Deviations from the procedures contained herein must be approved by the Chief Human Resources Officer or designee.

When an allegation of criminal or administrative misconduct involving employees is received, the Principal, Director, or ~~administrative d~~Department hHead will have the responsibility for making initial inquiries. Prior to any inquiry or confrontation with the alleged party, the Employee Relations Office in the Department of Human Resources will be contacted for instructions guidance in how to proceed with the investigation. ~~The Superintendent will be notified of the alleged misconduct.~~

“Misconduct₁”; for the purpose of adherence to these guidelines, is defined as an act alleged to have been committed by an employee, including incidents during off-duty hours, which is believed to be in violation of law, or is contrary to the policies, regulations and/or standards of conduct pertaining to the School Board employees, and which, if substantiated, could result in disciplinary action or dismissal of the employee.

A. Reports, Assignment of Investigating Personnel

Any incident, complaint or allegation involving or related to a School Board employee, however received, shall be immediately reported to the Office of Employee Relations in the Department of Human Resources. The assigned Employee Relations Specialist should be provided with all available information and will review the information. Depending on the nature of the allegation or incident₁, the Chief Human Resources Officer or designee₁, will also notify the ~~Chief Media and Communications Officer~~Superintendent. All information concerning an employee’s conduct will be disclosed in accordance with applicable School Board Policy ~~4-15~~ and applicable law.

B. The Investigation Process

1. The assigned Employee Relations Specialist will open an investigation file, which must be maintained in a central secured location. Access to secured files is controlled by under the authority of the Chief Human Resources Officer and is limited to the Chief Human Resources Officer or designee and the Office, the Director of Employee Relations, ~~legal counsel and the Employee Relations Specialist~~. All documents either generated or received during the course of the investigation will be maintained in the secure file. The Employee Relations Specialist assigned to investigate the matter is responsible for maintaining the file and its contents during the investigation.

2. Initially, the Chief Human Resources Officer, the Director of Employee Relations, and the Employee Relations Specialist will meet to determine whether the employee should be suspended without pay pursuant to the Code of Virginia Code or applicable policy or regulation, or placed on administrative leave (with pay) pending the final outcome of the investigation or remain at work. The employee's leave status should be communicated to the Principal/Director/dDepartment hHead and the employee by the Chief Human Resources Officer or designee.
3. The role of the Employee Relations Specialist in an investigation will vary depending upon the experience of the dDepartment hHead, Director, or Principal and based on the severity of the alleged misconduct, ~~but g~~Generally, the Employee Relations Specialist will work with the Principal/Director/dDepartment hHead to investigate the complaint/allegation. The Employee Relations Specialist will also act as the division's liaison with any agency which may become involved due to the nature of the complaint allegations (e.g., Child Protective Services, law enforcement personnel). To the extent it is provided to the School Division by an outside agency, documentation obtained as the result of an outside investigation will be maintained in the investigatory file and may be used in the internal investigation as permitted by law.
4. Any employee who is the subject of an investigation, identified as a witness, or has relevant information regarding the matter being investigated is required to cooperate with the investigation process. This may include being available to meet with the investigator(s) to answer pertinent questions, submitting a written statement as requested, or participating in an administrative hearing. Refusing to participate or being untruthful during an investigation is grounds for disciplinary action, up to including dismissal.

C. Recommendation/Decision Process

After the investigation is complete, the Employee Relations Specialist shall discuss the results of ~~his/her~~the investigation and disciplinary options with the Principal/Director/dDepartment hHead. The recommendation for discipline should then be discussed with the Director of Employee Relations to ensure the recommendation is consistent with School Board Policies, Regulations, and practices. Recommendations involving formal discipline such as reprimand, probation, or dismissal must involve the Chief Human Resources Officer. The Employee Relations Specialist shall discuss disciplinary options with the Principal/department head and shall note tThe Principal's/Director's/dDepartment hHead's decision or recommendations for discipline or other action shall be included for inclusion in the investigatory report.

C. Investigatory Report

~~At the conclusion of the investigation, the Employee Relations Specialist will produce a written report which will be maintained in the investigatory file.~~

~~In all instances where students are included, such names are to be redacted from the final written report but maintained in the file.~~

D. Recommendation/Decision Process for Dismissal or Probation

1. In the case of disciplinary matters regarding ~~non-probationary, non-instructional/~~ classified employees:
 - a. ~~¶~~The Chief Human Resources Officer shall review the investigatory report and meet with the Director of Employee Relations to discuss the investigation results and the proposed recommendation.
 - b. ~~be guided by ¶~~The provisions of School Board Regulations 4-3.2 shall apply and 4-18.1 and the Chief Human Resource Officer shall notify the employee of the finding, ensure the discipline action is initiated, and the employee is made aware of his/her rights under the grievance procedure in accordance with School Board Regulation 4-3.2.
 - c. If a recommendation for dismissal or probation is upheld, the Chief Human Resources Officer shall notify the employee of the finding, ensure the disciplinary action is initiated, and the employee is made aware of their rights under the grievance procedure in accordance with School Board Regulation 4-3.2.
2. ~~In the case of disciplinary matters regarding administrative and instructional and other non-classified personnel, the Chief Human Resources Officer shall review the investigatory report and meet with the Director of Employee Relations and the Employee Relations Specialist to discuss the investigation results and the proposed recommendations. For probationary employees, the Chief Human Resources Officer will make the final decision regarding dismissal. The employee will not receive a hearing and will not have grievance or appeals rights. The Principal/Department Head in writing of the final determination.~~

~~The Chief Human Resources Officer will consider the recommendations of the Principal/department head, the Director of Employee Relations, and the Employee Relations Specialist when formulating the final recommendation. When the recommendations present clearly disparate views on the appropriate discipline or action, the Chief Human Resources Officer may meet with the interested parties before making a final recommendation.~~

3. For dismissal or probation recommendations regarding teachers and instructional staff.

- a. The provisions of Regulation 4-3.1 shall apply.
- b. The Chief Human Resources Officer shall forward a Principal/ Director/ Department Head's final-recommendation to the Superintendent/designee together with a summary of the results of the investigation-~~involving non-classified personnel.~~
- c. ~~The Chief Human Resources Officer shall forward a final recommendation to the Superintendent together with a summary of the results of the investigation involving non-classified personnel.~~ If the ~~recommendation of the~~ Chief Human Resources Officer has a recommendation that significantly varies from the Principal's/ Director's/ ~~D~~Department ~~h~~Head's recommended discipline/action, that fact and the supportingingve rationale shall be made known to the Superintendent/designee.
- d. If a recommendation for dismissal or probation is upheld by the Superintendent/designee, the Chief Human Resources Officer will ensure the disciplinary action progresses to the School Board in accordance with School Board Regulation 4-3.1, and the employee is made aware of the employee's~~ir~~ rights under the grievance procedure.

~~Once the summary of the results of the investigation and a final recommendation have been forwarded to the Superintendent, the investigatory report will remain in the Office of Employee Relations. Prior to employee access to the report, all students' names are to be redacted where applicable. The employee may have access to such report at that time according to the provisions in School Board Policy 4-15.~~

~~E. Notification of Final Decision:~~

~~Once the Superintendent communicates his decision on the appropriate discipline/action to the Chief Human Resources Officer, the Chief Human Resources Officer will task the Employee Relations Specialist handling the investigation to work with the Principal/department head to ensure the disciplinary action is instituted in accordance with School Board Regulations 4-18.1 and 4-3.2, and the employee is made aware of his/her rights under the grievance procedure. In cases involving classified personnel the Chief Human Resources Officer will notify the employee and appropriate supervisor in writing of the final determination.~~

~~In cases involving administration and instructional personnel (non-classified employees), the Superintendent or his designee will notify the employee and appropriate supervisor of his recommendation to the School Board.~~

~~In both cases, employees will be notified of his/her grievance rights.~~

Editor's Note

~~*School Board Regulation 4-3.2—Grievance Procedures—Supervisory and Classified Employees*~~

~~*School Board Policy 4-15—Personnel Records*~~

~~*School Board Regulation 4-18.1—Dismissal/Placement on Probation*~~

~~*School Board Regulation 4-33.1—Investigative Procedures*~~

Legal Reference

Code of Virginia § 63.2-1511, as amended. Complaints of abuse and neglect against school personnel; interagency agreement.

Related Links

~~[School Board Policy 4-3](#)~~

School Board **Regulation 4-3.12**

~~[School Board Policy 4-15](#)~~

~~[School Board Regulation 4-18.1](#)~~

~~[School Board Regulation 4-33.1](#)~~

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