

PERSONNEL

Investigative Procedures

This Regulation will 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 Department Head 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 guidance in how to proceed with the investigation.

“Misconduct,” 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

1. Any incident, complaint or allegation involving or related to a School Board employee, however received, shall be immediately reported by the administrator 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. In addition, Child Protective Services (CPS) should be immediately contacted if applicable.
2. ~~It is at this stage that it will normally be determined whether the administrator, an Employee Relations Specialist, or another party will serve as the primary investigator.~~ Depending on the nature of the allegation or incident, the Chief Human Resources Officer or designee will also notify the Superintendent. All information concerning an employee’s conduct will be disclosed in accordance with applicable School Board Policy and applicable law.
- 2.3. It is at this stage that it will normally be determined whether the administrator, an Employee Relations Specialist, or another party will serve as the primary investigator.

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 under the authority of the Chief Human Resources Officer and is limited to the Chief Human Resources Officer or designee and the Office of Employee Relations. 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. ~~If necessary, t~~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 or applicable policy or regulation, 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/Department Head and the employee by the Chief Human Resources Officer or designee. Administrative leave or suspension of more than one day shall normally will be communicated by letter.
3. The role of the Employee Relations Specialist in an investigation will vary depending upon the experience of the Department Head, Director, or Principal and based on the severity of the alleged misconduct. Generally, the Employee Relations Specialist will work with the Principal/Director/Department Head to investigate the complaint/allegation. The Employee Relations Specialist will also act as the School 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 includes being available to meet with the Employee Relations Specialist or other investigator(s) as directed, answering pertinent questions, submitting a written statement as requested, or participating in an administrative hearing. Refusing to participate, being untruthful, or other forms of non-cooperation during an investigation are grounds for disciplinary action, up to including dismissal.
5. ~~Employees are not entitled to have legal counsel or personal representatives present in internal investigatory meetings. At the sole discretion of the~~

~~investigator(s), the e~~Employees may ~~be given~~have the courtesy of ~~having~~ a guest ~~to accompany them~~ to meetings for employee in certain meetings to provide emotional support; however, such guest may not participate in discussions and will be removed if the guest's presence becomes disruptive.

6. Investigation meetings will only be postponed for unusual or emergency circumstances.

~~6.7. Employees may be placed on administrative leave pending investigation or a decision by the School Administration. Administrative Leave is for the School Administration's benefit and employees on administrative leave must be available to participate in work related meetings during working hours.~~ During business hours, employees on paid administrative leave must be available to meet with investigator(s) within ~~threeone~~ (31) hours of being contacted by telephone ~~or electronic means~~. ~~Therefore, T~~the employee is expected to respond to any ~~telephone call~~communication from the School Division. Failure to comply with this requirement ~~will~~may result in the employee being removed from administrative leave and charged personal leave. An employee on administrative leave who needs to take sick leave or another form of leave to address personal matters should inform the Employee Relations Office so the employee can be excused from the requirements of this section.

C. Recommendation/Decision Process

After the investigation is complete, the Employee Relations Specialist shall discuss the results of the investigation and disciplinary options with the Principal/Director/ Department Head. The recommendation for discipline should then be discussed with the Director of Employee Relations or designee 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 or designee. The Principal's/Director's/ Department Head's or designee's decision or recommendations for discipline or other action shall be included in the investigative findings.

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 ~~or designee~~ shall review the investigation findings and meet with the Director of Employee Relations to discuss the proposed recommendation.
 - b. The provisions of School Board grievance regulations shall apply, and the Chief Human Resource Officer or designee shall notify the employee of the finding, ensure the discipline action is initiated, and the employee is made aware of the

employee's rights under the grievance procedure in accordance with School Board regulations.

- c. If a recommendation for dismissal or probation is upheld, the Chief Human Resources Officer or designee 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 regulations.
2. For probationary employees, the Chief Human Resources Officer, in consultation with the Director of Employee Relations, ~~or designee~~ 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 will be informed in writing of the final determination.
 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 ~~or designee~~ shall forward a Principal/ Director/ Department Head's recommendation to the Superintendent or designee together with a summary of the results of the investigation.
 - c. If the Chief Human Resources Officer ~~or designee~~ has a recommendation that significantly varies from the Principal's/ Director's/ Department Head's recommended discipline/action, that fact and the supporting rationale shall be made known to the Superintendent or designee.
 - d. If a recommendation for dismissal or probation is upheld by the Superintendent or designee, the Chief Human Resources Officer or designee will ensure the disciplinary action progresses to the School Board in accordance with School Board regulations, and the employee is made aware of the employee's rights under the grievance procedure.

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 4-3.1
School Board Regulation 4-3.2

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APPROVED AS TO
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7/10/24