



## INVESTIGATIONS

The District expects to provide employees with a healthy work environment. The purpose of an investigation is to determine, to the best of a direct supervisor/director's ability, the facts surrounding alleged employee misconduct in the workplace. Investigations will be conducted in a fair and objective manner. In the event of a District investigation or inquiry, the District has an expectation of employee cooperation.

Every District employee has an affirmative duty to provide the direct supervisor/principal (or any other District official assigned to investigate) all relevant and factual information about matters investigated unless the investigation involves potential criminal conduct. An employee failing to volunteer information during an interview shall receive a directive from an administrator to provide a statement. The employee's failure to comply with the directive may constitute "insubordination," a violation that will be grounds for appropriate disciplinary action including oral and/or written reprimand, suspension and possible dismissal from employment.

If the alleged employee misconduct may constitute criminal conduct by the employee, the employee will be notified in writing of the charges being investigated prior to the interview and may be provided a *Garrity* warning during the investigation interview, advising the employee of the employee's rights on issues that tend to implicate the employee in a crime.

A *Garrity* warning acknowledges that certain questions asked may also be (or become) the subject of criminal proceedings against the employee. The warning grants use immunity in that an answer given by the employee, or evidence derived from the answer may not be used against the employee in any criminal proceeding, except for perjury or false swearing. The employee's answer may be used against the employee related to District performance concerns.

The District may place an employee on administrative leave, with or without pay, during an investigation into alleged misconduct by the employee.

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Reference: *Board Policy 3139* Staff Discipline

*Garrity v. New Jersey*, 385 U.S. 493 (1967)