# Mineral County School District

Hawthorne, Nevada 89415

**"We All Learn/Teach"**
**"No'oko numu tunedooe"'**

## Investigation Checklist
## Internal Use Only

1. Define the scope of the investigation.
   - Who will conduct the investigation?
   - Does an outside investigator need to be brought in?
   - Who will assist in the investigation?
   - What are the issues?
   - Create a timeline prior to the interviews.
   - Has the entity attorney been notified so as to protect attorney-client privileges?
   - Does law enforcement need to be notified?
   - Fifth Amendment issues?
   - Parents informed?
   - Does evidence need to be immediately preserved?
   - Does the accused need to be separated from the complaining party during the investigation?
   - Acknowledge in writing to reporting party that an investigation will be conducted; address retaliation issues.

2. Identify the policies at issue.
   - What entity policies are at issue?
   - Harassment and discrimination? What basis?
   - Workplace violence?
   - Hostile work environment?
   - Student code of conduct?
   - Other issues?

3. Review the policies.
   - Identify the specific policies which have been raised or could potentially be implicated.
   - Review the policies to be sure you are familiar with what constitutes a violation and what does not.

4. Are there other issues pending with any of the involved parties?
   - Do any of the involved employees or witnesses have pending or recent disciplinary action?
   - Pending/recent EEOC/NERC?
   - Pending/recent workers' comp?
   - Pending/recent other investigations?
   - Pending/recent litigation or union grievance?

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- Pending/recent OCR complaints or grievances?

5. Interviewing the witnesses.
   - Prepare questions ahead of time.
   - Use the same basic questions for witnesses if they witnessed the same situation.
   - To record or not to record?
   - Explain confidentiality.
   - Interview the accuser first.
   - Witnesses should review statements and notes, comment in separate colors, sign, and date, or write their statements.
   - Advise all about prohibitions against protection and retaliation.
   - Weingarten/Garrity issues.
   - Interview the accused next.
   - Ask each who else should be interviewed.
   - Identify and interview other witnesses.

6. What questions should be asked?
   - What happened?
   - When did it happen?
   - How did it make you feel?
   - What did you see?
   - Who was there?
   - What have they told you?
   - What did you tell them?
   - Has it happened before? Details?
   - Who else have you told?
   - Any written records?
   - Any employer records, memos, expense reports, or payroll records?
   - Anyone else with similar concerns?
   - Any other issues you want to discuss or that you think are important for the investigator to know?
   - Description of the physical layout of the areas where offensive actions took place?
   - If there was a delay in reporting the conduct, explain the delay.
   - Similar incidents in the past not reported? Why?

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- Did the victim tell the accused to stop? What was the reaction?
- Ask the reporting party and the accused in their opinion whether the investigator conducted the investigation fairly and objectively.

7. Keeping the victim and the accused informed.
   - Has the victim/reporting party been informed that an investigation is underway?
   - Has the accused been informed that an investigation is underway?
   - Has the victim/accused been updated as the investigation progresses?
   - Delays explained?
   - Be sensitive to sharing confidential personnel information.
   - Inform all witnesses of your contact information to provide additional information they may have forgotten. Give them a time frame.
   - Share information based on "need to know."

8. End of the interview.
   - Notation of the interviewee's credibility
     - Demeanor?
     - Argumentative?
     - Nervous?
     - Uncomfortable?
     - Hostile?
     - Overly agreeable?
   - Consistency of timelines and chronology?
   - Reasons for bias of witnesses?
   - No promises of confidentiality.

9. What goes in the report?
   - Do not reach legal conclusions.
   - Does the conduct violate a policy?
   - Which policy(s) were violated?
   - No conclusions as to state or federal law.
   - Attach a copy of the relevant policy(s).
   - Who received the complaint? When?
   - Department of the reporting party.
   - Department of the accused.

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- Summary of the issue raised.
- Date investigation started and concluded.
- Who conducted the investigation?
- Names and dates of people interviewed.
- Identify relevant policies and guidelines in personnel policies.
- Summarize key facts. Organize in chronological order per witness.
- Attach relevant documentation.
- Identify key findings of fact, including inconsistent information, credibility of individual witnesses, how they assessed, and reasons for credibility or lack of credibility.
- Identify how policies apply to the situation.
- Conclude whether violation occurred or not (or unable to conclude).
- Identify unresolved issues or additional information needed, which may change conclusions.

10. Communicating the results.
    - Results and conclusions should be reported generally to the reporting party, accused, and victim. It will be an exhibit.
    - A thorough and exhaustive investigation has been concluded.
    - Explain issues raised, steps taken, including dates of interviews of reporting party, victim, accused, responses, and subsequent interactions.
    - Identify factual conclusions reached, including finding or no finding of violation of policy.
    - Encourage providing additional information.
    - Contact information to provide additional information.
    - Inform of retaliation policy.
    - Periodically check on the complainant to see how they are doing after the investigation, and ensure no retaliation.