

## **POLICY 415: STANDARDS OF INVESTIGATION ADMINISTRATIVE PROCEDURES**

### **Working Definitions:**

**Allegation:** An unproven statement that misconduct is believed to have occurred.

**Complainant:** The person formally reporting the allegations that are the subject of the investigation.

**Respondent:** The person against whom the allegations are made.

**Misconduct:** Conscious action that is contrary to accepted standards of conduct or characterized as being improper or unlawful.

**Incompetence:** The inability to perform to a required level within the realm of an employee's assigned duties.

### **Investigation Process for Complaints Alleging Employee Misconduct:**

In coordination with the Human Resources Department, school Principals and/or the Superintendent's Office are to ensure complaint details are complete and include the specific incidents and behaviours which form the basis of the complaint. Depending on the nature of the allegations, Human Resources will make a decision as to whether a formal investigation is warranted or if the complaint will be handled in an informal manner. If a formal investigation is required, Human Resources will determine an appropriate and qualified investigator, who could be an administrator, employee of the Human Resources Department, or external investigator.

The Complainant and Respondent will be notified whether a formal investigation will or will not occur and will be kept reasonably informed regarding the progress of an investigation. No private information of a Complainant or Respondent will be shared. At the conclusion of an investigation, the Complainant and Respondent will be notified whether findings have been made and that appropriate action has been taken, if warranted. Persons who are not the Complainant or Respondent will not be told any details regarding the School District's handling of the complaint.

The investigation will be carried out in a thorough and efficient manner, and include the following:

- Interviews with both the Complainant and the Respondent and all persons who are witnesses or who have relevant information to share; to the point necessary to establish an understanding of the facts.
- Gathering, review and proper consideration of all available relevant evidence.
- Investigation conducted in a procedurally fair manner.
- Findings made after a consideration of the relevant evidence on a balance of probabilities, applying the appropriate legal tests/law, and including reasons for the Investigator's conclusion(s).

In carrying out the investigation, the investigator will observe the following principles:

- Confidentiality: the investigation will be carried out in a confidential manner. Information about a complaint will be shared only with those who need to know in order to conduct the investigation

process. All participants in the investigation process are required to keep all information related to the complaint confidential and not disclose it to anyone other than their support person, lawyer or union representatives.

- Fairness and impartiality: the investigator will be fair and impartial in conducting the investigation and will not advance the interests of one person over another.
- Respect: the investigation will be conducted in a professional and respectful manner.

For all bullying and harassment investigations, it is further understood that after evidence has been gathered, the WSBC definition of bullying and harassment will be applied and a decision will be made as to whether bullying and harassment occurred.

### **Record Keeping for Complaints Alleging Employee Misconduct:**

When the investigation has concluded, the investigator will submit a report outlining the results of the investigation to the Human Resources Department. All such investigation reports are confidential, with restricted access, and will be maintained in the Human Resource Department with any disclosure being handled in accordance with all applicable law, collective agreement or contract requirements.

All disciplinary action taken against an employee as a result of an investigation will be kept in the employee's official personnel record in the Human Resources Department. Such records are confidential, with restricted access, and will be handled in accordance with all applicable law, collective agreement or contract requirements.

### **Links:**

[Policy 306: Suspected Child/Youth Abuse](#)

[Policy 406: Resolving Concerns Regarding Personnel, Programs or Procedures](#)

[Policy 505: Employee Welfare](#)

[Policy 506: Employee Code of Conduct](#)

[Policy 611: Privacy](#)

[Policy 612: Records Management](#)