

## **SAMPLE INVESTIGATION QUESTIONS**

- Who, what, when, where, and how, e.g., who committed the misconduct under investigation?
- What exactly occurred or was said?
- What did the alleged perpetrator say to you about the incident(s) in question?
- When did he or she tell you this?
- What exactly did you personally see or hear?
- When did it occur and is it still ongoing?
- Where did it occur? How often did it occur?
- How did it affect you?
- How did you react?
- What response did you make when the incident(s) occurred or afterwards?
- How did the harassment affect you?
- Has your job been affected in any way?
- Are there any persons who have relevant information?
- Was anyone present when the alleged incident occurred?
- Did you tell anyone about it?
- When did you tell anyone about it?
- Did anyone see you immediately after the alleged incident?
- Did the perpetrator do the same thing to anyone else that you know about?
- Do you know whether anyone complained about the perpetrator?
- Are there any notes, physical evidence, or other documentation regarding the incident(s)?
- How would you like to see the situation resolved?
- Do you know of any other relevant information?

## **ESSENTIAL QUESTIONS TO ASK A CORROBORATING WITNESS**

- Who, what, when, where, and how, e.g., who committed the misconduct under investigation?
- What exactly did you personally see or hear?
- What did the complainant say to you about the incident(s) in question?
- When did he or she tell you this?
- What did the alleged perpetrator say to you about the incident(s) in question?
- When did he or she tell you this?

## **TIPS FOR CONFRONTING THE ACCUSED**

Plan the interview in advance. Like other interviews, the interviewer should outline or write out the questions or list the topics he or she will want to ask. This plan should not be so rigid that the investigator will risk losing spontaneity or being able to follow up with questions. The investigation plan and outline should serve as a checklist to assure that the investigator covered everything desired.

- Identify the key facts that require explanation.
- Review the personnel file in advance. This helps evaluate a witness' penchant for truthfulness, identify previous or similar problems, and the potential penalty if the investigation results in a finding of guilt.

- Identify the applicable policies or rules involved in the complaint to determine what conduct may involve a violation.
- Determine before the interview what the philosophy of the school district is in regard to pursuing any available criminal charges against an employee.
- Once a time and place has been selected, notify the employee at least one or two days in advance through his or her supervisor of the time, place, and purpose of the interview.
- Consider allowing the accused to have a “representative” present at the interview, especially when the allegations, if true, could result in termination. Typically, the representative will be another employee, a union representative, or an attorney. If the employee will be represented by an attorney, allow the attorney to be present and arrange for the school’s counsel to be present as well. The role of the employee’s representative is covered in more detail later in this monograph.
- Suffice it to say that his or her presence can help preserve fairness and the overall appearance of fairness in the process. Representatives present at such meetings should not be permitted to argue, cross-examine the investigator, confront, interfere, or respond for the accused. The representative should not be permitted to terminate the conference.
- Failure to observe these reasonable requirements can justify excusing the representative or limiting his or her role to strictly that of an observer.
- Avoid making decisions of guilt or what penalty might be applicable during the interview unless there is an admission by the employee.
- Ensure that responses are voluntary and the procedure and general atmosphere appear fair if challenged and reviewed later by the school board, court, jury, or hearing officer.
- The interviewer must control his or her emotions; be courteous; avoid arguments; and not get angry. The tone of the interview must be investigative, designed to discover. The tone should not be punitive, coercive, or adversarial. The interviewer also must not come off as overly friendly and/or submissive.
- The investigator should never make promises or representations that he or she can, will, or will not do something that cannot be delivered.
- Avoid giving advice to the accused on what he or she should do.
- Avoid making threats or giving an ultimatum. The investigator may, however, set deadlines and disclose what will happen next.
- Do not be “cagey.” Let the accused know the purpose of the meeting, what the charges or suspicions are, the evidence of the alleged wrongdoing, that the investigation may result in disciplinary action, and (where appropriate) that the school district may be required to turn over information to police.
- Do not physically prevent the accused from leaving the interview. (Employment consequences, however, may flow from the accused’s failure to cooperate.)
- If the employee is not on leave at the time, consider whether placing the accused on administrative leave is necessary during the completion of the investigation and until disposition. Ascertain who has authority to implement and direct such leave.
- Preserve the opportunity for the person to maintain his or her personal dignity.