

Related Entries: (Not identified at this time)

Employee Investigation and Discipline Process

- (1) The Superintendent shall be responsible for ensuring the independent investigation of employee complaints. Investigation procedures shall be defined by School Board Policy.
- (2) The Incident Review Team (IRT) shall conduct the initial review of an allegation and incident information. IRT shall determine the appropriate investigative assignment. The IRT is comprised of representatives from the Office Professional Standards (OPS), District Administrators, Chief Human Resources Officer (CHRO), Staffing and Talent Management (STM), legal services, and law enforcement (when appropriate).
 - (a) Upon receiving a complaint, the IRT will review and determine whether the complaint is legally sufficient and if a health, safety, or welfare concern exists. Preliminary investigations may involve the collection of information necessary to make these determinations, as well as collection of information necessary for inter-agency cooperation, and an assessment of or whether a formal investigation is required.
 - (b) If appropriate or required by law, the investigator shall make a report to law enforcement agencies, the Florida Department of Children and Families (DCF), or the Florida Department of Education (FL DOE). The investigator may also direct others with firsthand knowledge of the situation to make a report as well.
- (3) In all cases, independent investigations shall be conducted by disinterested parties. Procedures shall be established to ensure proper training of internal investigators on an ongoing basis.
- (4) Procedures shall be established for conflict of interest screening to ensure the integrity of investigations.
- (5) Investigators shall not be subject to adverse action for any good faith effort that are in conformity with ethical standards, best practices, state and federal law and School Board Policy. Investigators, acting in conformity with this policy, shall have the right to gather material or documentary evidence, obtain witness testimony, or present recommended outcomes or findings. Investigators may be required to make material disclosures, including exculpatory information and results of conflict of interest screening. Investigators shall ensure that their files and all evidence are preserved. They shall ensure that the investigation file is well documented.

- 45 (6) External investigators shall be used only when a conflict of interest exists or upon
46 referral by the Superintendent. External investigators shall possess appropriate
47 credentials and shall be selected based upon knowledge of the subject to be
48 investigated.
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- 50 (a) Only external investigators may be utilized for allegations against direct School
51 Board employees to include the Superintendent, School Board Attorney or
52 Internal Auditor. Only a majority of the School Board may initiate an external
53 investigation on the Superintendent, School Board Attorney or Internal Auditor.
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- 55 (b) Federal, State or local governmental agencies, excluding the District, have the
56 authority to investigate a School Board Member.
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- 58 (7) Written notice shall be provided when anyone is the subject of a formal investigation
59 or if an administrative reassignment pending the outcome of an investigation is
60 required. Any reassignment must be approved by the Superintendent or their
61 designee, be directly related to the initial investigation, be necessitated by the health,
62 welfare and safety of students or any other urgent matter.
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- 64 (8) Employees shall have the right to due process.
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- 66 (9) Case management processes will be implemented to ensure the timeliness of
67 investigations. The investigative timeframe is 60 business days in which to complete
68 all phases of the investigation, including the ORT review. Unusual or extenuating
69 circumstances that may impact the OPS's ability to comply within the 60 day timeline
70 include, but are not limited to:
71
- 72 (a) Law enforcement involvement
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- 74 (b) Illness, absence/leave of complainant, victims, witnesses, employee/subject,
75 or investigator
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- 77 (c) Board approved holidays and other school or worksite closings
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- 79 (d) Worker's compensation absences
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- 81 (e) An extensive list of interviewees
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- 83 (f) Uncovering additional information which requires investigation
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- 85 (g) Unavailability of employee representation, such as union or legal
86 representation
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- 88 (h) All delays will be documented in writing within the investigative notes section
89 of the report
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- 91 (i) At the conclusion of an investigation, if just cause does not exist, a letter
92 closing out the matter will be sent.
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- 94 (j) Notice of the pre-determination hearing shall be sent to the employee and any
95 legal representative that they have. It shall include a copy of the investigative
96 summary and/or investigative documentation. Prior to the pre-determination
97 hearing, the employee shall have the opportunity to inspect and review all of
98 the evidence, documents or otherwise, collected without the necessity of a
99 formal public records request in order to prepare for their verbal and written
100 statement. Documents maybe redacted to be in compliance with statutory
101 requirements such as FERPA and HIPPA.
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- 103 (10) The employee has the right to request representation from the employee's choice of
104 the following:
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- 106 (a) The employee's attorney;
107
- 108 (b) A co-worker that is subject to the same collective bargaining agreement or
109 terms of employment;
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- 111 (c) A union representative, if appropriate;
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- 113 (d) The Florida Code of Ethics prohibits former School Board Members and
114 employees from personally representing another person or entity for
115 compensation for a period of two years following their leaving office or
116 termination of their employment. Representation includes actual physical
117 attendance on behalf of a client in a School Board or School District
118 proceeding, the writing of letters or filing of documents on behalf of a client,
119 and personal communications made with officers or employees of the School
120 Board or School District on behalf of a client.
121
- 122 (11) The outcome of an investigation will be rendered by the Outcome Review Team
123 (ORT). The ORT Level I is comprised of 5-7 representatives from human resources,
124 District Administrators, and legal services as further described in the Office of
125 Professional Standards Manual, which is if fully incorporated herein by reference.
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- 127 Committee members shall be appropriately qualified and trained. Procedures shall
128 be established for conflict of interest screening to ensure the integrity of outcomes
129 rendered. Committee members shall not be subject to adverse action for any good
130 faith efforts to render an objective outcome. Committee members shall keep all
131 evidence presented and facts of the case confidential. A violation of the confidentiality
132 of this process can subject a committee member to discipline. If the ORT Level I
133 Committee cannot reach consensus on the outcome and/or discipline, the case is
134 escalated to the ORT Level II by the direction of the Superintendent or his/her
135 designee. At the conclusion of an ORT Level I, if just cause does not exist, a letter
136 closing out the matter shall be sent to the employee.
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- 138 (12) Upon approval of the Superintendent or designee, an outcome shall be made in
139 writing, and sent directly to the party.
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- 141 (13) The Superintendent may refer any recommendation to ORT Level II. If the ORT Level
142 I recommendation is for termination, the matter shall automatically be sent to the ORT
143 Level II committee for review. The ORT Level II committee shall be comprised of an
144 odd numbered of individuals made of disinterested Executive Directors, Chiefs and/or
145 the School Board Attorney.
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- 147 (14) The ORT Level II committee shall be afforded all of the documents, and all evidence,
148 generated during the investigation. The ORT Level II may also seek additional
149 information for further clarification. The ORT Level II will provide a recommendation
150 to the Superintendent with their findings that will either uphold the findings of the ORT
151 Level I or make a new recommendation. The ORT Level II shall keep all of the
152 information confidential.
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- 154 (15) Outcomes rendered shall be based on an independent fact finding and the collection
155 of material, documentary evidence and witness testimony.
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- 157 (16) Outcomes rendered may include a letter of guidance, a letter of reprimand,
158 suspension, demotion, termination or other discipline measures. Disciplinary
159 outcomes shall be recorded in a uniform manner that allows for annual audit and
160 review for continuous improvement purposes.
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- 162 (17) The Superintendent shall receive the recommendation from the ORT Level I and ORT
163 Level II. The Superintendent shall make the final decision on any matter and make a
164 recommendation to the School Board for any final action.
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166 **STATUTORY AUTHORITY:** 1001.42, 1001.43 F.S.

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168 Adopted: 10/06/2020