

AR 5141.43 Uniform Investigations

It is essential to select an investigator free from any personal, professional, or financial conflicts of interest. The investigator must have the skills, knowledge, experience, and time to conduct an appropriate investigation. The investigator should be objective, thorough, ethical, professional, and capable as a writer.

The goal of an administrative investigation is to gather all reasonably available information involving the complaint or allegation. The information gathered must be analyzed to determine whether the complaint or allegation is factual.

If an investigation of allegations is determined to be warranted, then the investigating school administrator must determine what laws, regulations, and/or policies apply to the allegations. It is critical for the investigating school administrator to consult with District legal counsel at this stage.

The result of an administrative investigation may be reduced to a comprehensive report of investigation which compiles all relevant statements and evidence obtained through the investigation.

School administrators need to be aware of employees' right to the presence of a union representative during investigatory meetings which could reasonably result in discipline of the employee. These are referred to as Weingarten rights. School administrators should refer to collective bargaining agreements for further details on employees' rights to representation during investigatory meetings.

1. Investigators must be impartial and have the ability to act independently. Investigators should also have the knowledge, skills, and experience to conduct an investigation.
2. An investigation should be conducted and completed in a timely manner, based upon the nature of the investigation.
3. An administrative investigation should be confidential and exempt from disclosure under the Public Records Act, [AS 40.25](#).
4. School administrators should take steps to ensure the safety of students upon receipt of a complaint, including the potential removal of any school-based contact between student(s) and suspected employee(s).
5. Interviews should be conducted in a private setting. Interview questions should be planned in advance, but the interview should allow for a natural flow and follow up on areas. It is critical to allow the interviewee to fully understand and to fully answer questions, as well as offer additional information outside the scope of the interview questions.
6. If the interviews are being recorded, the interviewee should be properly advised. If the interviews are not being recorded, the interviewees should disclose whether or not they are recording the interview. If the interviews are not being

recorded, the information provided by witnesses should be documented by the investigator.

7. Interviews should start with rapport building. Accusatory and intimidating tones should be avoided.
8. It is critical not to cut off witnesses. Silence between questions usually results in additional information.
9. At the close of interviews, ask variations of “is there anything else I have not asked you which you believe would be relevant to this investigation?”
10. Interviewees should be encouraged to report any retaliation and/or any attempts to influence witnesses.
11. Interviewees should be advised the investigation, including the interview and the interview questions are confidential and should remain so.
12. Interviewees should be provided with contact information of the investigator to provide additional information and/or to report any retaliation.
13. Investigators must analyze interviews for credibility, or determining whether witnesses were believable. Investigators should consider whether a witness was motivated to lie, has a history of lying, or showed signs of lying. Investigators should also consider if there is evidence that corroborates witness statements.
14. Investigators should collect, analyze, document and secure physical and digital evidence. For example, class schedules, seating charts, attendance records, student disciplinary records, personnel records, social media posts, digital images and/or video, emails, text messages, and any other reliable evidence.
15. Investigators must then reach a conclusion, and document that conclusion in a written report. The investigation report should include the allegations, the investigation plan, list of evidence collected, factual findings, and recommendations, if requested.
16. The applicable standard of proof for the investigation is an issue that should be discussed with the District's attorney. Depending on the nature of the allegations, the standard of proof could be substantial evidence or preponderance of evidence.
17. The investigation report is confidential and should not be shared with the public. School administrators should develop a communications plan following the conclusion of the investigation.

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Southeast Island School District