Employee investigations: questions parents often asked

They seem mysterious: employee investigations. Here are the most common questions from parents and the answers.

**Q:** What is an employee investigation and when does it occur?

**A:** An employee investigation is an official investigative process to learn the truth. It may include neutral questions, study, analysis and recommendations, and it is performed by the Department of Education (DOE) itself. This is called an *internal* investigation. There are investigators at both the district and state DOE levels.

An investigation happens when the DOE receives a complaint that claims there was wrongdoing, or misconduct, by any employee. The complaint may come from a parent, student, employee or teacher. It may even come from people who do not leave their names.

When a complaint is made to a school (for example, a teacher, vice principal or principal) or complex administrator (such as an education specialist or complex area superintendent), that person decides what action to take. A decision may lead to an employee investigation regarding alleged employee misconduct. The complex area superintendent (CAS) decides who handles the investigation. Most often, investigations are assigned to the program and personnel analyst at this level. Mrs. Lea Albert is the CAS for the Castle and Kahuku complexes. Each case is different – different people, actions, factors and situations.

**Q:** Why is the employee still working?

**A:** Safety and the neutrality of the investigation are first concerns. If the situation doesn’t call for the person under investigation to stay off the job, he or she may report to work. In some cases, it is obvious that the employee should not report to work. In these cases, the employee is placed on Department Directed Leave.

**Q:** Why can’t I know how the school handled the matter?
A: Internal investigations are confidential employment matters. It is illegal according to state laws, rules and regulations for the DOE to reveal if actions to correct misconduct were taken and what the actions were. The DOE is not allowed to release investigation reports, findings and conclusions.

Q: Why can’t the school file a police report for me?

A: Police reports are only accepted from the persons who say they are the victims. If the DOE is not the victim; the DOE does not make the complaint. Parents may take action and file a police report. The police department may start a separate criminal investigation, depending on the situation. The police must have parent permission if the complainant is a student younger than 18.

Q: Why doesn’t the school share its investigative information with the police?

A: The DOE is required to conduct its own investigations to determine if administrative rules, Board of Education policies or other requirements are violated. The police department must also conduct its own investigation to make sure that its own standards for criminal action are met. Both these separate investigations must ensure that no favoritism or unfairness is present and that the investigation process is completed with reliability and integrity, according to the laws or rules that apply. Proving that something is criminal and punishable by law requires different procedures. The police and the DOE are two separate and distinct operations.

Q: When an employee is put on leave, does that mean that employee is guilty?

A: No. It just means that the employee’s presence at work may interfere with the neutrality of the investigation or put the safety of people including the employee at risk. An employee is put on leave before the investigation is completed, so there is no official ruling yet.

Q: What about my child’s rights and safety when an employee returns to work?

A: The safety of all students and employees is taken very seriously. If an investigated employee returns to campus and parents have concerns, they may ask to meet with their child’s principal.
Q: Why does the process take so long?

A: Gathering evidence and information including statements from people takes time. Investigators and administrators must meet and follow contractual and legal/due process requirements when giving employees opportunities to present information. It takes time and careful attention to detail to write a final investigation report that includes all of the information, study, conclusions and recommendations. It must be complete so that a decision maker may read and understand it, and make the best-possible decision. It is important to note that investigations may lead to findings of no cause as well as appropriate action for misconduct.