

**EMPLOYEE MISCONDUCT REPORTING & INVESTIGATION FORMS 1a-1f (STEPS 1-6)**

Mountain Home School District No. 193 maintains a firm policy against all forms of unwelcome, offensive, and inappropriate behavior, remarks, actions, conduct, and retaliation against employees henceforth called “Employee Misconduct” and will not be tolerated in our school district. An investigation will commence upon reports of such and dealt with accordingly. All employees are to be treated with respect and dignity.

**1. Investigate:**

- Within 24-hours after receiving a complaint of employee misconduct by an employee, begin the investigation. The investigation should be completed within 10-days.
  - ~ Start a discipline file to hold all investigative and evidentiary documents.
  - ~ Have the victim/target complete the included Employee Misconduct Report Form 1a (Step-1).
- The investigator of any allegation of Employee Misconduct, should be an administrator in a position of authority, not a school security officer.
- Take all claims or complaints of Employee Misconduct seriously.
- Interview all parties involved: victim/target, the witnesses, and the alleged perpetrator(s)/assailant(s) using the included Employee Misconduct Interview Victim/Target/Witness/Perpetrator/Assailant Report Form 1b-d (Steps 2-4). Be thorough.
  - ~ Keep an open mind. Act in a neutral and professional manner.
  - ~ Preserve privacy and confidentiality of the investigation and the involved parties; remind all parties of the district’s prohibition of any form of retaliation.
- Separate the victim/target and perpetrator/assailant. Make sure that the victim/target is not penalized in this action.
- Complete the investigation within 10-days of the complaint, if possible.

**2. Document:**

- Using the Employee Misconduct Report Form 1a (Step-1) and Employee Misconduct Interview Victim/Target/Perpetrator/Assailant Report Forms 1b-1d (Step 2-4) begin the investigation.
- Collect, document, and file all investigative and evidentiary items, dates, times, all communications, written statements, your own investigation notes, pictures, electronic/digital records/recordings/texts, etc., from individuals, and add those documents to the newly created investigative and evidentiary file.
- Document where the incident occurred.

**3. Determine:**

- Using all collected, investigative, and evidentiary documents complete the Employee Misconduct Result of Allegation of Employee Misconduct Investigation Report Form 1e (Step 5), to determine if the behavior/remarks/actions/conduct/ retaliation are in fact unwelcome and/or inappropriate, and to what degree.
- Attach all supporting investigative and evidentiary documentation such as witness statements, investigation notes, emails, photographs, texts, etc.
- Send a complete copy of the complaint form and supporting documentation to the Principal or Superintendent.
- Keep a copy of this in your Investigative and Evidentiary file.

**4. Action:**

- Complete the Conclusion & Action Taken of Allegation of Complaint of Employee Misconduct Investigation Report Form 1f (Step 6) and state the recommended action(s).
- We are not a court of law – we do not need proof beyond a reasonable doubt. We collect as much information as we can to make an informed decision.
- Counseling for victim/target and/or perpetrator/assailant; Oral or Written Warnings, Suspension or possible Termination, non-renewal of certified contract, etc.; Recommendation to go before the School Board of Trustees for possible termination or probation.

**EMPLOYEE MISCONDUCT REPORT FORM 1a – Step 1**

*(Aggression may be eventually determined to be a bullying, harassment, intimidation, abuse, or peer conflict)*

**Names(s) of person(s) filing the Complaint Form:** \_\_\_\_\_

**Name of Investigator:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Check all that apply**

<input type="checkbox"/>	Unwelcome and/or Inappropriate Physical Contact: Touching, Grabbing, Groping	<input type="checkbox"/>	Electronic/Digital/Technological Remarks/Offenses: Social Media, Texting, Emails, Instagram, Snap Chat, etc.
<input type="checkbox"/>	Unwelcome and/or Inappropriate Behavior/Remark/Action	<input type="checkbox"/>	Spreading Rumors or Making False Accusations
<input type="checkbox"/>	Physical Harm or Threats of Harm	<input type="checkbox"/>	Damage to Personal Property
<input type="checkbox"/>	Physical/Psychological Injuries	<input type="checkbox"/>	Inappropriate/Derogatory Writings/Graffiti
<input type="checkbox"/>	Sexual or Sex Orientation Offensive Behavior/Remarks	<input type="checkbox"/>	Repeated Unwelcome/Inappropriate Behavior
<input type="checkbox"/>	Exclusion/Prevention from Activities/Events	<input type="checkbox"/>	Intimidation Directed Towards Me
<input type="checkbox"/>	Block/Limit Movement	<input type="checkbox"/>	Racial, Sexual Orientation, Affiliation, Religious, etc., Slurs, Comments, Gestures/Behavior/Remarks
<input type="checkbox"/>	Unwelcome/Inappropriate Gestures	<input type="checkbox"/>	Other Unwelcome/Inappropriate Behavior/Remarks/Actions

**Describe in detail the unwelcome/inappropriate behavior/remark(s)/action(s):** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Please attach additional pages if needed.)*

**Date(s) of Alleged Unwelcome/Inappropriate Behavior/Remarks/Actions:** \_\_\_\_\_

Name of Alleged Victim/Target	Job Title of Alleged Victim/Target

Name of Alleged Perpetrator/Assailant	Job Title of Alleged Perpetrator/Assailant

Name of Witness	Job Title of Witness

*(Please attach additional pages if needed.)*

**Signature of Complainant:** \_\_\_\_\_ **Date** \_\_\_\_\_

**Next Step: Investigate and interview all parties involved.**

**EMPLOYEE MISCONDUCT INTERVIEW VICTIM/TARGET INVESTIGATION REPORT FORM 1b –**  
**Step 2**

**Interview the alleged Victim/Target:**

- Employees: The alleged Victim/Target may wish or allow a support person of his/her choice to be present during the interview.
- Adults: It may be appropriate to interview other teachers or adults who can provide information regarding the alleged incident and its effect on the individual.

**Describe Investigation Process to the alleged Victim/Target:**

- Indicate that confidentiality will be maintained to the extent possible. Tell the Victim/Target that although you will try to keep their name confidential that you may have to share with the accused their name along with the allegations. Tell them that you will also be reminding the accused about the district policy against retaliation.
- The alleged Perpetrator/Assailant and any Witnesses will also be interviewed;
- A written report will be prepared;
- The final determination regarding what action, if any, will be taken as specified in the district policy.

**Ask the alleged Victim/Target:**

- How were you hurt, harmed, or offended? Describe what happened as clearly as possible (i.e., threats, requests, demands, comments, force used, touching, groping, etc.).
- Where did the incident take place? Did the incident occur in school and where; did it occur on school grounds or off school grounds and where?
- Has this happened before? If yes, how many times? When?
- Were there witnesses? If yes who?
- Did the alleged Perpetrator/Assailant's unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation cause you to change the way you normally act?
- Did the Victim/Target confront the alleged Perpetrator/Assailant and advise him/her of the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation?
- Have you missed any work, work events, or felt unsafe in the building because of the unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation?
- Has your work/job been affected?
- Have you made any changes to your participation at work, work events, etc.?
- Ask the alleged Victim/Target what he/she thinks should be done. What can be done to help them feel better/safer?
- Ask the alleged Victim/Target to immediately tell someone in authority if the alleged Perpetrator/Assailant or anyone else confronts him/her regarding the investigation.

**Document:**

- Ask the alleged Victim/Target to write and sign a statement of his or her version of the facts. Keep notes of the interview process. Try to determine if the alleged Victim/Target is telling the truth. Remember that the alleged Victim/Target may be scared, nervous, hurt, or embarrassed. These feelings can often result in unexpected and inappropriate reactions (i.e. laughing, getting angry, etc.). Lack of perceived credibility of the alleged Victim/Target is not grounds to abandon an investigation. The investigation policies and procedures must be followed.
- Note the individual's body language. Does the individual sound believable or does his/her story sound made-up?
- Does the individual have reason to lie? Does the individual seem reluctant or refuse to relate specifics?

Instruct alleged Victim/Target to keep everything regarding the interview confidential.

**Continue to Step 3: Investigate and interview Witnesses.**

### **EMPLOYEE MISCONDUCT INTERVIEW WITNESS INVESTIGATION REPORT FORM 1c – Step 3**

#### **Interview the Witness(es):**

- A separate investigative report must be made for each individual.
- If possible, do not reveal the identity of either the alleged Victim/Target or alleged Perpetrator/Assailant to the witness at the beginning of the interview, but do tell him/her the reason for the interview.
- Ask broad questions.
- If the witness does not offer information, ask if he/she saw or heard anything that the witness may feel was unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation the incident(s) he/she may have.
- Distinguish between firsthand and secondhand (hearsay) knowledge. Instruct the witness to keep everything regarding the interview confidential.
- Inform the witness that retaliation against the alleged Victim/Target or any of the witnesses is prohibited.

#### **Documentation:**

- Ask each witness to write and sign a statement setting forth his/her version of the facts. Keep notes of the interview process.
- Try to determine if the Witness is telling the truth. Remember that the Witness may be nervous and reluctant to say anything but do try to convince the witness that his/her statement is important.
- Note the individual's body language. Does the individual sound believable or does his/her story sound made-up?
- Does the individual have reason to lie? Does the individual seem reluctant or refuse to relate specifics?
- Instruct the Witness(es) to keep everything regarding the interview confidential.

**Continue to Step 4: Investigate and interview Perpetrator/Assailant.**

**EMPLOYEE MISCONDUCT INTERVIEW PERPETRATOR/ASSAILANT INVESTIGATION REPORT**  
**FORM 1d – Step 4**

**Interview the alleged Perpetrator/Assailant:**

- Employees:** The alleged Perpetrator/Assailant may wish or allow a support person of his/her choice to be present during the interview.
- Adults:** It may be appropriate to interview other teachers or adults who can provide information regarding the alleged incident.

**Explain/Describe Investigation Process to the alleged Victim/Target:**

- Allegations of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation has been made against the individual and that the purpose of the interview is to investigate the complaint.
- The alleged Victim/Target was interviewed, and any witnesses will also be interviewed.
- Indicate that confidentiality will be maintained to the extent possible. Tell them the district policy against retaliation that any form of retaliation will be dealt with.
- A written report will be prepared.
- The final determination regarding what action, if any, will be taken as specified in the district policy.
- State that the school takes all allegations of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation seriously, and that unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation is not tolerated, and that each complaint of unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation is fully investigated.
- Ask if the alleged Perpetrator/Assailant knows why the allegations would have been made against him/her.

**Due Process**

- Ask the alleged Perpetrator/Assailant to offer his/her version of the facts. The interviewer will give the individual a chance to tell his/her side of the story. Explain the investigation process. Indicate that confidentiality will be maintained to the extent possible. Explain that no decision has yet been made as to the truth of the allegations. Only if necessary, identify the Victim/Target. Provide the alleged Perpetrator/Assailant an opportunity to set forth whether he/she has had recent interactions with the alleged Victim/Target.
- Determine if the alleged Perpetrator/Assailant has any witnesses to back-up his/her statements.
- If the alleged Perpetrator/Assailant denies that the incident occurred, ask if he/she has had any contact with the alleged Victim/Target.
- Instruct the alleged Perpetrator/Assailant to keep everything regarding the interview confidential.
- Inform the alleged Perpetrator/Assailant that retaliation against the alleged Victim/Target or any of the witnesses is prohibited.

**Documentation:**

- Have alleged Perpetrator/Assailant write and sign a statement of his/her version of the facts. Keep notes of the interview process. Try to determine if the alleged Perpetrator/Assailant is telling the truth. Remember that the alleged Perpetrator/Assailant may be scared, nervous, or embarrassed. These feelings can often result in unexpected and inappropriate reactions (i.e. laughing, getting angry, etc.). Lack of perceived remorse, sorrow, regret, or indifference of the alleged Perpetrator/Assailant is not grounds for guilt. The investigation policies and procedures must be followed.
- Note the individual's body language. Does the individual sound believable or does his/her story sound made-up?
- Does the individual have reason to lie? Does the individual seem reluctant or refuse to relate specifics?
- Instruct the alleged Perpetrator/Assailant to keep everything regarding the interview confidential.
- Keep notes of the interview process.

**Note:** At this point, the investigator may now have enough information to determine those areas of agreement between the alleged Victim/Target's and alleged Perpetrator/Assailant's versions of the incident. If necessary, additional questions may be asked. Also, if the investigator has reason to believe that criminal harassment or sexual assault has occurred, the investigator must cause a report to be made to law enforcement within 24 hours.

**Continue to Step 5: Determination of Investigation.**

**EMPLOYEE MISCONDUCT RESULT OF ALLEGATION OF EMPLOYEE MISCONDUCT**  
**INVESTIGATION FORM 1e – Step 5**

Based on the information gathered in the investigation, make a decision on whether this incident is an unwelcome and/or inappropriate behavior/remarks/actions/conduct/retaliation. We are not a court of law, no one is subpoenaed, or testifies under oath; we do not need proof beyond a reasonable doubt. We collect as much information as we can in order to make an informed decision about employee discipline.

<input type="checkbox"/>	Unwelcome and/or Inappropriate Physical Contact: Touching, Grabbing, Groping	<input type="checkbox"/>	Electronic/Digital/Technological Remarks/ Offenses: Social Media, Texting, Emails, Instagram, Snap Chat, etc.
<input type="checkbox"/>	Unwelcome and/or Inappropriate Behavior/ Remark/Action	<input type="checkbox"/>	Spreading Rumors or Making False Accusations
<input type="checkbox"/>	Physical Harm or Threats of Harm	<input type="checkbox"/>	Damage to Personal Property
<input type="checkbox"/>	Physical/Psychological Injuries	<input type="checkbox"/>	Inappropriate/Derogatory Writings/Graffiti
<input type="checkbox"/>	Sexual or Sex Orientation Offensive Behavior/ Remarks	<input type="checkbox"/>	Repeated Unwelcome and/or Inappropriate Behavior
<input type="checkbox"/>	Exclusion/Prevention from Activities/Events	<input type="checkbox"/>	Intimidation Directed Towards Me
<input type="checkbox"/>	Block/Limit Movement	<input type="checkbox"/>	Racial, Sexual Orientation, Affiliation, Religious, etc., Slurs, Comments, Gestures/Behavior/Remarks
<input type="checkbox"/>	Unwelcome and/or Inappropriate Gestures	<input type="checkbox"/>	Other Unwelcome and/or Inappropriate Behavior/Remarks/ Actions

<input type="checkbox"/>	Peer Conflict	<input type="checkbox"/>	Behavior/Actions	<input type="checkbox"/>	One Time or Isolated
<input type="checkbox"/>	Bullying	<input type="checkbox"/>	Remarks	<input type="checkbox"/>	Repeated Over Time
<input type="checkbox"/>	Harassment	<input type="checkbox"/>	Gestures	<input type="checkbox"/>	Unwelcome
<input type="checkbox"/>	Intimidation	<input type="checkbox"/>	Physical/Emotional Injury or Damage	<input type="checkbox"/>	Inappropriate
<input type="checkbox"/>	Abuse	<input type="checkbox"/>	Damage to property	<input type="checkbox"/>	Derogatory
<input type="checkbox"/>	Assault/Attack	<input type="checkbox"/>	Interferes with Individuals Ability	<input type="checkbox"/>	Imbalance of Power
<input type="checkbox"/>	Sexual	<input type="checkbox"/>	Blocking Individual's Movement	<input type="checkbox"/>	Planned/Intentional
<input type="checkbox"/>	Gender Orientation	<input type="checkbox"/>	Interfering with Participation	<input type="checkbox"/>	Provoked
<input type="checkbox"/>	Racial/Ethnic/Origin	<input type="checkbox"/>	Electronically/Digitally/Cyber-Tech	<input type="checkbox"/>	Unprovoked
<input type="checkbox"/>	Religion/Culture	<input type="checkbox"/>	Social Media/Instagram/Snap Chat	<input type="checkbox"/>	Debilitating
<input type="checkbox"/>	Disability			<input type="checkbox"/>	Severe
				<input type="checkbox"/>	Persistent/Pervasive

<b>Determination – Unwelcome and/or Inappropriate Behavior/Remarks/Actions/Conduct/Retaliation:</b>	
<input type="checkbox"/> Once a decision has been reached, notify the Victim/Target of the outcome of the investigation. If disciplinary action is taken against the Perpetrator/Assailant, this will be considered confidential information and cannot be revealed to the Victim/Target without prior written consent. <ul style="list-style-type: none"> <li><input type="checkbox"/> Offer school counseling support for the Victim/Target.</li> </ul> <input type="checkbox"/> <b>Collect all documentation from investigation. Complete <u>Employee Misconduct Reporting &amp; Investigating Forms 1a – 1f (Steps 1-6)</u>.</b> Attach all supporting documentation including witness statements, investigative & evidentiary documents, correspondence, emails, etc. <input type="checkbox"/> <b>Send a copy of <u>all</u> documentation, recordings, videos, evidence, etc., to Principal and Superintendent.</b> <input type="checkbox"/> If disciplinary action will be taken against the Perpetrator/Assailant, document the discipline action taken in the Personnel Record. <input type="checkbox"/> <b>Possible Corrective Actions to be Taken</b> <i>(The following list of possible corrective actions is intended to provide suggestions; other corrective actions may be appropriate.)</i> <ul style="list-style-type: none"> <li><input type="checkbox"/> Separate the victim and harasser. Make sure that the victim is not penalized for reporting.</li> <li><input type="checkbox"/> Oral or written warnings.</li> <li><input type="checkbox"/> Counseling.</li> <li><input type="checkbox"/> Suspension, Termination, Placement on Administrative Leave, Probation, Nonrenewal of certified contract, etc.</li> <li><input type="checkbox"/> Transfer.</li> <li><input type="checkbox"/> Recommendation to go before the Board of Trustees for disciplinary purposes.</li> </ul> <input type="checkbox"/> Monitor the situation to be reasonably sure Employee Misconduct does not resume or continue, and that retaliation does not occur.	

**EMPLOYEE MISCONDUCT CONCLUSION & ACTION TAKEN OF ALLEGATION OF EMPLOYEE**

**MISCONDUCT INVESTIGATION FORM 1f – Step 6**

*(A separate report must be made for each individual)*

Form completed by: \_\_\_\_\_  
*Investigator's Name(s)*

School: \_\_\_\_\_ Date: \_\_\_\_\_

<b>1. Victim/Target</b>	
Name: _____	Employee ID: _____
School: _____	Grade: _____
<b>2. Allegation(s) of unwelcome and/or Inappropriate behavior/remarks/actions/conduct made against:</b>	
Name: _____	Employee ID: _____
School: _____	Grade: _____
<b>3. Allegation(s):</b> <i>(use additional paper, if necessary)</i>	
<b>4. Results of Investigation:</b> <i>(use additional paper, if necessary)</i>	
<input type="checkbox"/> <b>Bullying</b> <input type="checkbox"/> <b>Harassment</b> <input type="checkbox"/> <b>Intimidation</b> <input type="checkbox"/> <b>Abuse</b> <input type="checkbox"/> <b>Other</b>	
<b>5. Conclusion &amp; Action(s) Taken:</b> <i>(use additional paper, if necessary)</i>	

- Attach written statements from all individuals interviewed.
- Attach any other documentation (emails, text messages, photographs, electronic device captures, etc.)
- Submit a copy of this Employee Misconduct Reporting & Investigating Forms 1a – 1f (Steps 1-6) and all supporting documentation to the Principal and the Superintendent.

\_\_\_\_\_  
Administrator or Superintendent's Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**ADOPTED:** April 19, 2022