## WORKPLACE INVESTIGATIONS: LESSONS LEARNED FROM THE REAL DEAL

2017 SCHOOL LAW CONFERENCE

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#### **Business Reasons:**

- Resolve conflict early
- Productivity and safety in the workplace
- Workplace culture

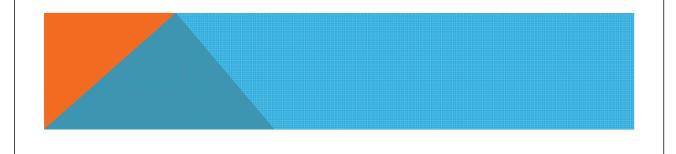
#### Legal:

- Avoid lawsuits and penalties
- Affirmative defense
- Decrease liability
- Federal funding



### ATTRIBUTES OF A GOOD INVESTIGATION

- Prompt
- Impartial investigator
- Thorough
- Well documented
- Establishes facts, not conclusions
- Confidentiality is protected (to the extent possible)
- Results communicated to complainant and accused
- Effective remedial action



## HALLMARKS OF A "NEEDS IMPROVEMENT" **INVESTIGATION** Not taking complaint Denying opportunity seriously to rebut/respond Tipping off the Not acting promptly accused Ignoring witnesses Failing to investigate Bias credibility or consider Conclusions are not plausibility sufficient **INVESTIGATIONS AND "STAYING ON BUDGET"** Parameters Goals, timelines, clear duties and responsibilities Process Internal or external investigation? An efficient and effective internal investigation can reduce costs External investigation will certainly increase costs - Ex. Business office matter (Certified Fraud Examiner) Type of Investigation?

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# Title search: Workplace Investigations: Lessons Learned from the Real Deal

Also available as part of the eCourse 2017 School Law eConference

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