



# WORKPLACE INVESTIGATIONS: LESSONS LEARNED FROM THE REAL DEAL

2017 SCHOOL LAW CONFERENCE

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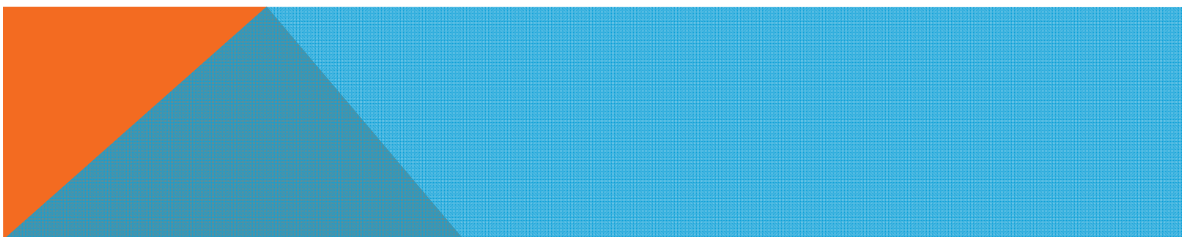
## WHY WORKPLACE INVESTIGATIONS MATTER

### Business Reasons:

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

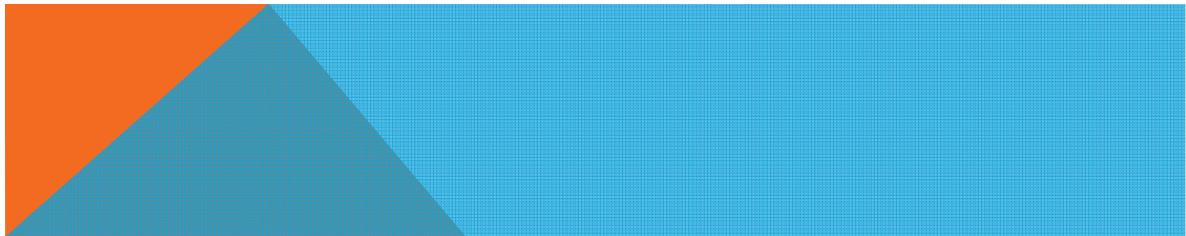
### Legal:

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



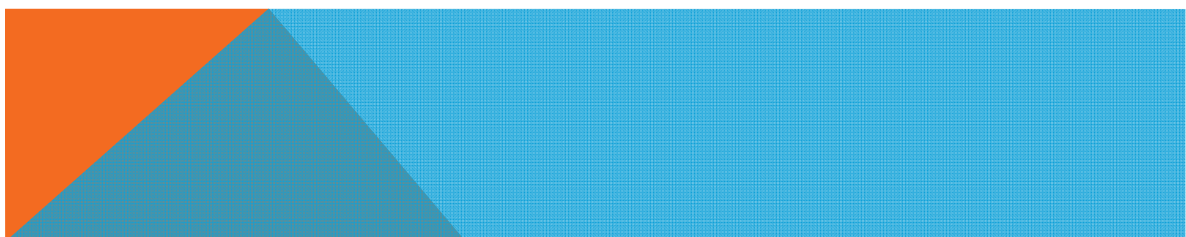
## WHAT IS THE PURPOSE OF YOUR INVESTIGATION?

- Harassment/Discrimination/Retaliation
- TEA/Ethics Complaint
- Termination/Nonrenewal
- Safety Complaint
- Lawsuit
- Criminal Issues/Violence
- Student discipline
- Special Education Laws
- Unemployment



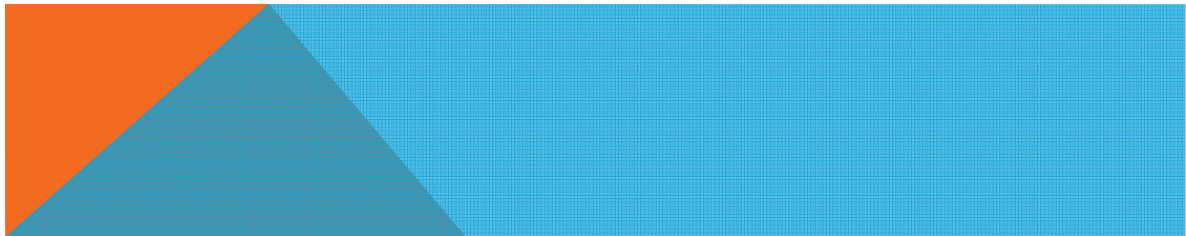
## ATTRIBUTES OF A GOOD INVESTIGATION

- 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



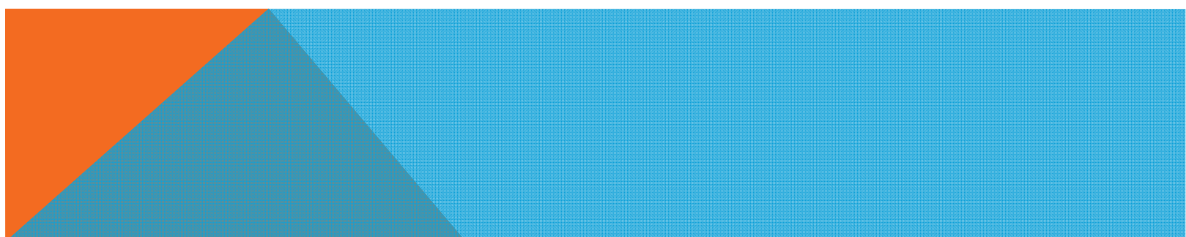
## HALLMARKS OF A “NEEDS IMPROVEMENT” INVESTIGATION

- Not taking complaint seriously
- Not acting promptly
- Ignoring witnesses
- Failing to investigate credibility or consider plausibility
- Denying opportunity to rebut/respond
- Tipping off the accused
- Bias
- Conclusions are not 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

[School Law Update 2017: Teacher Rights, Hiring, and Firing](#)

First appeared as part of the conference materials for the  
32<sup>nd</sup> Annual School Law Conference session

"Conducting School Investigations That Result in Useable Findings, On Time, and Within Budget"