

HUMAN RESOURCES – WORKPLACE INVESTIGATION PROCEDURES

A workplace investigation is used by Human Resources to determine 1) what happened, 2) whether a law, regulation, or university policy has been violated, and 3) who, if anyone, is responsible. A workplace investigation is not a legal proceeding. Human Resources determines if an investigation is needed. Human resources may conduct an investigation 1) in response to a direct complaint or 2) if it learns of a possible violation of university policy. If the person reporting a possible policy violation does not wish to pursue a complaint or proceed with an investigation, Human Resources may independently decide to conduct an investigation.

A workplace investigation is not required in every circumstance where a law, regulation, or policy may have been violated. Instead, Human Resources may use its discretion to decide if an investigation is appropriate. In determining whether a workplace investigation is appropriate, Human Resources shall consider the seriousness of the allegations and any safety concerns.

DEFINITIONS

- 1) Complainant – The individual making the complaint. In some circumstances, when Human Resources learns of a possible violation, there may not be a complainant.
- 2) Respondent – The individual alleged to have violated law, regulation, or university policy
- 3) Witness – An individual with personal knowledge of the event(s) being investigated. Witnesses may be identified by the complainant, respondent, or identified by the investigator from information learned during the investigation.
- 4) Investigator – An objective, impartial party who interviews the complainant, respondent, witness and determines 1) what happened; 2) whether a law regulations or university policy has been violated; and 3) who, if anyone, is responsible. The investigator is usually a Human Resources staff member.
- 5) Findings - Findings are the conclusions reached by the investigator and are determined based on a preponderance of evidence standard. Preponderance of evidence means that it is more likely than not that a violation occurred.

INVESTIGATION PROCESS

While the process may differ based upon the complexities of each case, an investigation generally proceeds with the following steps:

- 1) The Director of Human Resources assigns an investigator.
- 2) The investigator conducts an interview with the complainant and reviews supporting evidence if provided. If the investigator determines that the complainant's allegations and supporting evidence, if true, would not constitute a violation of law, regulation, or policy, then the investigator may close the investigation.
- 3) The investigator collects information by interviewing the respondent and accepting any relevant evidence, if any, provided.
- 4) The investigator collects information by interviewing any witnesses.

- 5) The investigator determines findings after reviewing information collected in interviews and evidence provided by the complainant, respondent and any witnesses. The investigator determines, by a preponderance of the evidence, whether the respondent violated any law, regulation, or policy.
- 6) If the investigator determines that the respondent did not violate any policy, law or regulation, the matter will be closed.
- 7) The investigator and Director of Human Resources share any findings with the respondent and complainant's Vice President with recommendations for any next steps.
- 8) The Director of Human Resources shares the findings with the complainant and respondent.