

**Executive Briefing:  
Internal Investigations -- Making Defensible Decisions**

Saturday, March 6, 2010

Presented in conjunction with the

**19<sup>th</sup> National Conference & Exhibition on Transporting Students with Disabilities & Preschoolers**

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**Session Outline:**

- 1. Incident/Complaint handling**
  - a. Creating the file
  - b. Collecting documentation
- 2. Investigation**
  - a. When do you have an affirmative duty to investigate?
    - i. Civil rights laws
    - ii. Money matters
    - iii. When a policy – or exceptions made in the past – impact your position with reference to a complaint ~~into question~~ incident
    - iv. Calls from a state or federal government agency
    - v. Anonymous complaints?
    - vi. Known “whiners”?
    - vii. Is this a potential interest for the media?
- 3. Who should conduct the investigation?**
  - a. Internal staff or outside third party
  - b. Attorney involvement
- 4. What to think about before beginning?**
  - a. Scope
  - b. Timeline
  - c. Documents
  - d. Who you’ll interview
  - e. Order of events
  - f. How best to record interviews
  - g. Other
- 5. Interim actions – what will happen while the investigation is going on?**
  - a. Will the subject be placed on leave? Is the leave paid or unpaid?
  - b. Monitoring?
  - c. Retaliation concerns?
  - d. Security
  - e. Communication with others
  - f. Minimizing the risk of harm in the meantime
  - g. Confidentiality
- 6. Interviews**
  - a. Of students
  - b. Of employees
  - c. Effective techniques
  - d. Formatting questions
- 7. Analysis and conclusion**
  - a. Resolving conflicts
  - b. Making findings of fact
  - c. Recommendations
- 8. Risks to avoid**
- 9. Discussion of scenarios**
- 10. Follow up**