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BURLINGTON SCHOOL DISTRICT PROCEDURE

PROCEDURE CODE PG2.2PI: BSD Investigation Procedure for Staff

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Summary

A procedure to guide the District in conducting investigations of alleged unprofessional misconduct and policy violations, including but not limited to harassment and retaliation, ensuring a fair and consistent approach. Alleged neglect of administrative responsibilities.

Procedures

Intake and Lead Investigator Determination

1. The recipient of the complaint acknowledges receipt of the complaint in writing. In complaints against principals, Human Resources will, with every attempt, consult with the EDSL and Superintendent about who will, with every attempt, conduct the investigation.
2. Before any investigatory interview, the Respondent is notified in writing of the complaint pursuant to the applicable policy. This notice will clarify that no conclusions will be drawn until a prompt and confidential investigation is completed, any improper conduct must cease immediately, and retaliation of any kind is strictly prohibited and may result in disciplinary action up to termination.
3. ***Timeline: Every attempt will be made to determine and assign a lead investigator within two business days of receiving the complaint (barring any extenuating circumstances).***

Preliminary Steps for Investigator

1. Investigators Receive Complaint/Allegation
    a. Ensure the complaint or allegation has as much detail as possible, including the date, time, and nature of the incident(s) and the name.
    b. Confirm the policy/procedure or standard of conduct allegedly violated.
    c. Interview the identified witnesses and any additional witnesses that they identify to receive their perspective in addition to the Complainant's and to inform their questioning of the alleged violator.
    d. Include language that supports our "anti-retaliation" policy.

2. Notify the Alleged Violator
    a. Issue a written notice to the respondent employee outlining: (Use standard Notice - Link)
        i. The nature of the alleged violation.
        ii. The purpose of the fact-finding meeting.
        iii. The date, time, and location of the meeting.
        iv. The right to have a representative or union delegate (if applicable).
    b. Allow at least 24 hours for the employee to prepare.

a. ***Timeline:*** *Written notice will, with every attempt, be issued within 2 business days of the completion of witness interviews. The Respondent must be allowed a minimum of 24 hours to prepare.*

Preparation for all Meetings

1. Review Relevant Policies and Evidence
    a. Gather all relevant documents, including:
    b. Attendance records (for excessive absences).
    c. Applicable policies or codes of conduct.
    d. Witness interview notes/statements.
    e. Prepare specific questions to clarify details and confirm facts.
    f. Prepare Investigation Folder to collect evidence, interviews, and other relevant materials.
    g. Prepare Investigative Summary Report.

2. Identify Participants
    a. Facilitator: Investigator guides the meeting.
        i. Note-taker: To document the discussion (optional).
    b. Employee: The subject of the allegation.
    c. Union/Representative: If the employee chooses to have one present.

3. Confirm Confidentiality
    a. Emphasize that the meeting and all related information are as confidential as possible, unless the applicable policy provides for a different standard (for example, Title IX).

4. Timeline
    a. Every attempt will be made to prepare for and schedule the meeting within three business days of notifying the employee.
    b. Every attempt will be made to hold the meeting within five business days of notification.

Conducting the Meeting

1. Opening the Meeting
    a. Introduce all participants.
    b. State the purpose of the meeting.
    c. Review confidentiality expectations and the process.
    d. Advise that no determination as to the merits of the complaint has been made.
    e. Repeat prohibition of any form of retaliation and potential discipline if there is a violation.

2. Presentation of Allegations
    a. Clearly explain the specific allegation(s).
        i. Include any supporting documentation (timesheets, emails, etc.).
    b. Refer to relevant policies or guidelines.

3. Employee Response
    a. Allow the employee to respond to the allegation(s) and provide their account.
    b. Encourage the employee to present any evidence, witnesses, or context.

4. Question and Answer
    a. Ask clarifying questions based on the employee's response and evidence.
    b. Provide an opportunity for all parties to ask or answer relevant questions.

5. Closing the Meeting
    a. Summarize the next steps.
    b. Explain that the findings will be reviewed and that the employee will be notified of the outcome.

6. Timeline - Every attempt will be made to summarize the meeting in the investigative document on the same day.

Post-Meeting Procedures

1. Review Findings
    a. Compile and review all evidence and meeting notes.
    b. Determine if the allegation is substantiated, partially substantiated, or unsubstantiated based on the evidence.
    c. Timeline: Every attempt will be made to complete the initial review and determination of substantiation within five business days of the meeting.

2. Decision-Making
    a. Consult with HR leadership, legal counsel, or relevant supervisors to decide on appropriate action (e.g., corrective action, disciplinary measures, Loudermill, or no action).
    b. Timeline: Consultation and final decision on action will, in every attempt, be reached within 3 business days of the Review Findings determination, barring any requests to extend the investigation due to legal or Superintendent questions.

3. Communicate Outcome
    a. Notify the employee in writing of the decision, including:
        i. The findings.
        ii. Any disciplinary actions or corrective measures.
        iii. The appeal process (if applicable).
    b. Timeline: The employee will, at every attempt, be notified in writing within 2 business days of the final decision.

4. Recordkeeping
    a. Document the investigation process and outcome.
    b. Securely store all records in the employee's personnel file.
    c. Timeline: All records documented and stored within five business days of communicating the outcome.

Additional Considerations

1. Legal Compliance
    a. Ensure compliance with labor laws, union agreements, and organizational policies.
    b. Address any criminal allegations and refer to appropriate authorities.
    c. Determination that the investigation rises to the level of a Title IX investigation.

2. Timeliness
    a. The goal is to complete the investigation and communicate the final outcome within 30 business days of the initial complaint receipt, subject to flexibility for complex cases or extenuating circumstances.

Clerical Information

BSD Version:	Policy Governance 2.2 Procedure Investigations: BSD Investigation Procedure for Staff
Date Adopted:	11.12.2026
Legal Reference(s):	Legal References: Title V, Section B, 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, et seq.; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq.; The Age Discrimination Act of 1975, 29 U.S.C. § 623, et seq.; The Americans With Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.; and Fair Employment Practices, 21 V.S.A. Chpt. 5, subchpt. 6; Public Accommodations, 9 V.S.A. §§ 4500 et seq.; 1 V.S.A. §144, Gender Identity and 21 V.S.A. Chpt. 22, Vermont Municipal Labor Relations Act, § 1726(a)(7); all as they may be amended from time to time.
Policy Reference:	Policy Governance 2.2; Hiring and Treatment of Staff