



Administrative Regulation 4505 INVESTIGATORY INTERVIEW PROCESS

Responsible Office: Office of Human Resources

PURPOSE

This Administrative Regulation ensures that employees throughout the Washoe County School District (District) receive their due process rights related to an internal administrative investigation that could lead to possible disciplinary action.

DEFINITIONS

1. "Investigatory Interview" or "Investigatory Due Process meeting" (IDP meeting) means an investigatory meeting in which the employer questions an employee, who is the subject of an internal administrative investigation that could lead to possible disciplinary action, regarding allegations of misconduct.

REGULATION

1. Application. This Administrative Regulation applies to all District employees unless a Collective Bargaining Agreement (CBA) establishes a different process, in which case the District will follow the process negotiated in the CBA. This Administrative Regulation also does not apply to:
 - Trustees, who are not employees of the District;
 - The Superintendent, who is employed by virtue of an employment contract with the Board of Trustees;
 - Leadership Team members, who are at-will employees hired under the Leadership Team Handbook; or
 - Peace officers, who are subject to the provisions in NRS Chapter 289.
2. Due Process. An employee accused of misconduct has the right to receive notice in writing of the allegations against the employee prior to an IDP meeting to discuss them, a right to respond to the allegations, and representation at the IDP meeting.
3. IDP Notice. The IDP Notice shall be in writing and provided to the employee before the employee is questioned at the IDP meeting about the allegations.

The IDP Notice shall include:

- a. The date, time, and location of the IDP meeting;

- b. The individual(s) and/or departments who will be conducting the IDP meeting;
 - c. The employee's right to be represented at the IDP meeting, if desired;
 - d. A summary of the allegation(s) against the employee; and
 - e. A statement that the employee is required to answer questions related to the allegations against the employee. If the employee fails or refuses to answer any such questions, the District may charge the employee with insubordination and/or complete the investigation without the employee's input.
4. Timelines.
- a. The employee will be given not less than 2 business days after service of the IDP Notice to obtain representation for an IDP meeting, unless exigent circumstances exist or state law, i.e., NRS 388.135 to 388.137, allows otherwise.
 - b. The investigation shall be conducted with reasonable diligence. From the date of the IDP meeting, the District has not more than 60 days to complete the investigation and issue any determination made as a result of such an investigation; and
 - c. If necessary, the Superintendent may grant the investigating party an additional 60 days to complete the investigation and issue a final decision. No further extension may be granted unless approved by the Superintendent.
5. Representation.
- a. The IDP meeting is an investigatory meeting between the District, as the employer, and the employee. The purpose of the IDP meeting is to provide the employer with an opportunity to question the employee regarding allegations that could lead to possible disciplinary action, and to provide the subject employee with an opportunity to present the employee's version of events. The IDP meeting is not a hearing or adversarial contest.
 - b. The employee's representative may provide advice and assistance to the employee during the IDP, but the representative may not obstruct the IDP meeting, or prevent the employer from questioning the employee, or otherwise engage in any effort to interfere with the District's fact finding.
 - c. The employee's representative may attempt to clarify the facts or suggest other employees who may have knowledge of them, but the District is free

to insist on hearing the employee's own account of the matter under investigation.

- d. The employee may waive the right to be represented. Such waiver will be made in writing and signed by the employee.
- e. If the employee chooses to be represented by legal counsel, the District may include a member of the District's Division of Labor Relations or Office of the General Counsel.

LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS

1. This Administrative Regulation aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 4505, Standards of Professional Conduct
 - b. Board Policy 4117, Licensed Employee Evaluation and Probation;
 - c. Board Policy 4119, Separation of Service;
 - d. Board Policy 4160, Mandatory Self-Reporting By Staff: Charge, Arrest or Conviction of a Crime; and
 - e. Board Policy 4214, Drug Free Workplace.
2. This Administrative Regulation complies with NRS and Nevada Administrative Code (NAC), and specifically:
 - a. Chapter 281A, Ethics in Government;
 - b. Chapter 288, Relations between Governments and Public Employees;
 - c. Chapter 289, Peace Officers;
 - d. Chapter 391, Personnel, and specifically:
 - i. NRS 391.274, Policy prescribing duties, roles and responsibilities of school counselors; limitation on time school counselors required to assist with test administration.
3. This Administrative Regulation aligns with the Collective Bargaining Agreements between the District and its recognized employee organizations.

REVISION HISTORY

Date	Revision	Modification
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TBD	1.0	Adopted
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