INVESTIGATIVE CHECKLIST

I. IS AN INVESTIGATION REQUIRED?

A. Complaints or Observed Inappropriate Behavior/Misconduct

☐ Does the complaint or observed conduct relate to a matter that, if proven true, would constitute a violation of policies, rules, or laws? If so, it should be investigated.

Examples of Factors to Consider:
   a) Misuse or unauthorized use of state resources
   b) Workplace violence
   c) Unlawful Discrimination, Harassment, Retaliation
   d) Copyright Infringement
   e) Violation of Washington State Ethics Law
   f) Criminal Activity (e.g. theft, assault, possession of porn)
   g) Health/Safety issues (violations, accidents, injuries)
   h) Violations of Student Conduct Code (student employees)

☐ If the complaint or observed conduct do not support a basis for finding of misconduct or a violation of applicable rules, regulations, or policies, an investigation is not warranted.

   If this is the case:

   ☐ Prepare a written summary to explain why the matter will be closed and no further action warranted; and

   ☐ Meet with the complainant to explain why the matter will be closed with no further action.

B. Performance Related Issues

☐ Does the issue or concern relate to an employee failing to meet performance expectations of the assigned position?

   a) If so, investigate.
   b) If not, no further action required.
II. WHO IS RESPONSIBLE FOR INVESTIGATION?

☐ Is Supervisor responsible for conducting the specific type of investigation required by the complaint pursuant to University Policy?

1) Supervisors are primarily responsible for managing the performance of the employees they supervise. Therefore, they are typically responsible for investigating performance-related issues and EWU Policy 901-04 on Bullying.

2) EWU Policy 402-01 supervisors and faculty members who become aware of incidents of discrimination and/or harassment are required to take appropriate action based on the situation and to file a report of the incident or behavior to the appropriate authorities. (The University’s Equal Opportunity/Affirmative Action Officer is responsible for initiating the investigation).

3) EWU Policy 603-02 requires supervisors to report all complaints of workplace violence they receive, know about, or reasonably believe to exist to the University Police Department. Additionally, supervisors are required to immediately report any events of imminent or actual violence involving weapons or potential injuries.

4) EWU Policy 240-040 regarding violations of computer use indicates the matters will be investigated by appropriate University officials.

5) EWU Policy 590-020-140 involving appropriate use of University facilities, equipment and information acknowledges the authority of the Executive Ethics Board to investigate, but also acknowledges that EWU has the authority to conduct internal investigations.

☐ If supervisor is not responsible for conducting the investigation, Supervisor must: 1) refer it to the appropriate authority; and 2) document that the referral was made to and received by the designated investigator in writing. If supervisor is unclear who is responsible for investigation, supervisor must consult with Human Resources immediately to determine appropriate investigator.

III. ARE THERE ANY CONFLICTS OF INTEREST?

☐ Are there any potential conflicts or ethical issues that should be considered before the designated investigator proceeds with the investigation?

1) Does investigator have any family or friends involved in the allegations or as witnesses in the investigation? If so, consult with Human Resources to determine if another investigator should be assigned.

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2) Are there any other factors that would create a credible issue of concern regarding bias or appearance of impropriety, if designated investigator conducted investigation? If so, consult with Human Resources to determine if another investigator should be assigned.

IV. INVESTIGATIVE STEPS

☐ Refer to University Investigative Guidelines and Supervisors Tools web page http://access.ewu/edu/HRRR/Supervisor-Tools.xml.

V. INVESTIGATOR RESPONSIBILITIES TO RESPOND TO INVESTIGATIVE RECORDS REQUESTS

☐ Public Records Requests: Investigative reports do qualify as public records pursuant to Chapter 42.56 of the Public Records Law. If investigator receives any request for the investigative report or investigative materials as part of a public records request, the investigator will immediately notify the Human Resources Office and the University’s Public Record’s Officer. The University is required by law to comply with specific timelines under the Public Records Law, so IMMEDIATE reporting is important. There may be some exemptions that prevent the disclosure of documents, but those need to be evaluated on a case-by-case basis. Investigators DO NOT RELEASE any information on their own.

☐ Union Requests: Investigators may also receive union requests for information during their investigations. Investigators are required to contact the Human Resources Office and the University’s Public Records Officer immediately, to ensure an appropriate response. Investigators DO NOT RELEASE any information on their own.

☐ Complainant/Respondent Requests: Investigators may also receive request for information from complainants and respondents who are participants in an investigation. Again, investigators are required to contact the Human Resources Office and the University’s Public Records Officer immediately, to ensure an appropriate response. Investigators DO NOT RELEASE any information on their own.