Investigative and Management Decision Process

The intent of this process is to identify who is responsible for handling each of the specific categories of investigative processes on behalf of the University.

1. **Categories of Investigation:** If the University becomes aware of any allegations of misconduct or performance regarding an employee, the following identifies who is responsible for conducting specific investigations. If unsure, the issue will be referred to the Director-Human Resources, Rights and Risk ("Director") for determination of who will be responsible for the investigation.
   a. If the allegations are of a criminal nature the investigation will be the responsibility of the University Police.
   b. If the allegations are of a discriminatory nature including sexual harassment, the investigation will be the responsibility of the Office of Equal Employment Opportunity.
   c. If the allegations are performance related based on position expectations and standards the investigation will be the responsibility of the respondent’s Supervisor with review of the draft investigative report and backup file by the Director of Human Resources, Rights and Risk (HRRR).
   d. All other allegations which may constitute misconduct or a violation of University Policy and/or law, including those which are observed or reported to Supervisors, will be directed to the Director for assignment to the HRRR Investigator/Mediator or another investigator as determined by the Director.

2. **HRRR Investigative Responsibilities:** For matters that HRRR will investigate, the following process will be followed:
   a. After an assessment to include an intake with complainant, if applicable, the Director will notify the complainant’s Supervisor, if applicable, and the respondent’s Supervisor that the issue will be investigated, mediated or determined that it does not warrant an investigation.
   b. The Investigator will follow the EWU Investigative Guidelines in conducting the investigative process. The Investigator will send the appropriate notice of Investigation to the respondent with a copy to his/her Supervisor.
   c. The Investigator will prepare a draft investigative report after completing interviews and gathering relevant evidence. The Investigator will then provide the
draft investigative report and backup investigative file to the Director who will assess the risk which includes confirmation of the completeness of the file, thoroughness of the report, consistency of facts and defensibility. The draft may also be reviewed by the University’s assigned Assistant Attorney General ("AAG") at the discretion of the Director.

d. After the review is complete, the Investigator will finalize the investigative report. The Investigator will meet and present the report and its findings to the respondent’s Supervisor.

e. The Investigative file, which includes a copy of the final report, will be maintained by the HRRR Investigator as defined by the Investigative Guidelines.

f. The Supervisor will review the report and provide it to the respondent for an opportunity to review and respond. If a response from the respondent has been received, the Supervisor will review the response.

g. This concludes the investigative process and the Investigator will then debrief with the complainant by meeting to discuss the conclusion of the investigative findings.

3. The management review and decision-making begins to determine whether an action is necessary. If so for faculty and classified, will it be coaching or counseling, corrective action (verbal or written reprimand) or reduction in pay, suspension, demotion or termination which requires the pre-disciplinary process. If exempt, there is no progressive discipline so management will determine appropriate action within the Exempt Employment Policies.

4. **Disciplinary Process for Classified or Faculty:** If discipline to include corrective action is to be considered, the Supervisor will meet with the Labor Relations Manager (Carol Hawkins) to determine the appropriate level of disciplinary action for classified and faculty actions.

5. **Post Pre-Disciplinary Meeting for Classified or Faculty:** If a pre-disciplinary meeting occurs, the Supervisor will meet with the Labor Relations Manager after the meeting to consider the employee’s response. The proposed level of discipline is reviewed by the Director after the pre-disciplinary meeting. A recommendation of the level of discipline is based on HRRR historical disciplinary data, advice from HRRR and the employment history of the employee. The AAG may be consulted at the discretion of
the Director. The appropriate Vice President or the President is informed of the recommended level of discipline and then determines the appropriate action.

6. **Process for Exempt—Post Investigation:** After the Respondent has had the opportunity to respond to the Investigation, the Supervisor will meet with Human Resources Supervisor (Caren Lincoln) to determine the appropriate level of action. The proposed level of action is reviewed by the Director after discussions with the Supervisor. The appropriate Vice President or the President is informed of the recommended action and then determines how to proceed.

7. **Finalizing the Action:** The Labor Relations Manager prepares a draft of the disciplinary letter for the President or Vice President for any faculty or classified staff matters. The Human Resources Supervisor prepares a draft of the letter for the President or Vice President to close any exempt staff matters. The President or Vice President reviews the draft letter and finalizes it in consultation with the Labor Relations Manager or Human Resources Supervisor. After the final letter is signed by the President or Vice President, it is then presented to the employee by the Supervisor.

8. **Report to President:** All investigative reports involving an employee will be kept centrally in HRRR. In January and July of each year, the Director will prepare a summary report to include all investigations conducted involving an employee including the management action taken based on the result of an investigation or mediation process. Based on this, the Office of Equal Opportunity and University Police will forward a copy of the investigative reports involving an employee to the Director for inclusion in the summary report for the President. Supervisors will forward their Investigative files which will include the Investigative report at the completion of the investigation or mediation to the Director for filing.