

Users' Guide

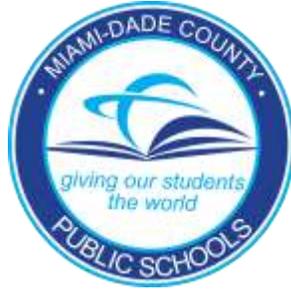
Personnel

Investigative

Model

May 2010





THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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OVERVIEW AND PURPOSE

The **Personnel Investigative Model (PIM)** was approved and adopted by The School Board of Miami-Dade County, Florida, on November 17, 2004, Agenda Item A-4, Revised. This revised guide provides all users with steps to be taken when incidents occur involving District employees. All entities involved in this process are committed to maintaining and promoting lawful and ethical performance standards in accordance with School Board Rules and policies, contractual stipulations, federal laws, and state statutes.

BEFORE YOU REPORT AN INCIDENT

An administrator, principal or worksite supervisor prior to reporting an incident(s), shall make a determination as to whether the incident is one that can and should be competently and comprehensively addressed at the worksite.

Administrators throughout the District are expected to address issues and/or conflicts at the worksite. Issues should be resolved by encouraging communication with adherence to laws, rules and guidelines. When an issue cannot or should not be addressed at the worksite, it is to be immediately referred for review under PIM, through the corresponding Region/District Office.

Listed below are examples of alleged non-criminal incidents that ***SHOULD*** be addressed at the worksite and may not have to be reported to the Incident Review Team (IRT) via the PIM:

- Classroom Discipline
- Employee Misconduct i.e., verbal confrontations, insubordination, job performance and/or attendance issues
- Minor Incident – Code of Ethics Violation
- Minor Incident – Misuse of district time, technology, or equipment
- Minor Incident – Non-criminal complaints by employees, students or parents
- Disputes regarding employee determinations in the areas of student attendance, grading, and violations of the Code of Student Conduct, Levels I and II only
- Minor interpersonal conflicts i.e., employee-employee, employee-student, employee-parent
- Violations of Departmental Policies or the Faculty Handbook

INCIDENTS THAT MUST BE REPORTED

The following incidents (criminal and non-criminal) are to be reported to the Incident Review Team at 305-523-8372.

Criminal Incidents

Criminal incidents involve acts that violate a state or federal statute, for which the law, upon conviction, provides a penalty. **If there are reasons to believe that a situation may immediately endanger the life of a student or staff member, call 911.** In addition, all criminal incidents ***MUST*** be ***IMMEDIATELY*** reported to Miami-Dade Schools Police Department (M-DSPD) at 305-995-COPS. Examples of alleged criminal incidents that must be reported are listed in School Board Rule 6Gx13-4C-1.022, Employment Standards and Fingerprinting of All Employees <http://www.dadeschools.net/schoolboard/rules/Chapt4/4C-1.022.pdf>. A lead sheet and a Schools Police Automated Reporting (SPAR) number will be generated for the aforementioned criminal incidents.

Allegations of Child Abuse/Neglect

Allegations of child abuse and/or neglect must be reported ***IMMEDIATELY*** to the Florida Department of Children and Families at 1-800-96ABUSE (1-800-962-2873). Abuse is defined as any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Neglect occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. **This reporting requirement is in addition to reporting the allegation to 305-995-COPS.** A lead sheet and a SPAR number will be generated for the aforementioned criminal incidents.

Non-Criminal Incidents

Serious incidents that may result in demotion, suspension or dismissal and are ***non-criminal*** must also be reported to the IRT to ensure proper processing and assigning of all cases associated with the PIM. These incidents are to be reported to 305-523-8372.

Civil Rights Violations

Complaints alleging discrimination, harassment and/or retaliation in employment or educational activities filed by employees, students, or parents must be reported to the Office of Civil Rights Compliance (CRC). A comprehensive list of the categories upon which a complaint can be based can be found at http://crc.dadeschools.net/pro_categories.asp. Complaints must be reported directly to CRC at 305-995-1580.

HOW TO REPORT AN INCIDENT(S)

The worksite administrator is responsible for immediately reporting an alleged incident that will not be addressed at the worksite to the IRT by calling 305-523-8372 and by completing an Incident Reporting Form. The form includes information pertinent to the incident such as the date of the incident, a detailed narrative of the incident, and the parties involved.

Upon completing the Incident Reporting Form, the administrator must immediately transmit the document via email to pimreporting@dadeschools.net, so that the form can be reviewed and processed by the IRT. (SPAR) number (in lieu of a lead sheet) will only be created after the investigation is completed and there is a finding of probable cause.

Please note that all complaints of civil rights violations **MUST** be reported directly to the CRC office at 305-995-1580.

EMPLOYEE NOTIFICATION

Upon receipt of written confirmation of incidents, it is the responsibility of the worksite administrator to notify the employee verbally (within one business day) and in writing (within two business days). The written notification to the employee must identify the nature of the alleged incident(s). (Refer to the Office of Professional Standards (OPS) Procedures Manual for notification format.)

The employee must be expeditiously notified unless the alleged incident is one that is not appropriate for an employee to be notified (e.g. theft of School Board property or other illegal activity that may require police surveillance *or* if notifying the employee may cause an immediate threat of danger to the public, or impact the health, safety or welfare of the community or destruction of evidence).

WHICH INVESTIGATIVE UNIT WILL RESPOND TO THE INCIDENT(S)?

Once an incident has been reported, the IRT determines which unit will conduct the investigation into the alleged conduct. The IRT is comprised of representatives from the Office of Professional Standards (OPS), the Civilian Investigative Unit (CIU), the Miami-Dade Schools Police Department (M-DSPD) General Investigative Unit (GIU), the Office of Civil Rights Compliance (CRC), the Office of Human Resources, Recruiting, and Performance Management (HR), District/School Operations, and the School Board Attorney's Office.

Criminal

If the IRT determines that the incident involves criminal conduct, GIU conducts the investigation. GIU then notifies the employee, in writing, of the allegation, as soon as it is appropriate. If GIU determines during the course of the investigation that no crime was committed or the alleged incident is cleared criminally, or the State Attorney declines prosecution, or allegation is unfounded, GIU continues with the investigation to completion in order to determine if any School Board or State Board Rule(s) has been violated.

Non-Criminal Incidents (not addressed at the worksite)

If the IRT determines that the incidents are *NON-CRIMINAL*, one of the following tracks must be taken:

- Return to worksite to be addressed and resolved (no formal investigation conducted)
- Administrative Review (AR)
- Civilian Investigative Unit (CIU)

All complaints involving civil rights violations are not part of PIM and MUST be reported directly to the CRC office at 305-995-1580.

HOW WILL THE INVESTIGATION BE CONDUCTED?

ADMINISTRATIVE REVIEW

The worksite administrator conducts the investigation if an Administrative Review (AR) is determined by the IRT to be the appropriate route to resolving

the incident. A step-by-step guide on how to conduct an AR can be found in the OPS Procedures Manual http://ops.dadeschools.net/09_Manual/sec_III.pdf. The worksite administrator should complete the AR within twelve (12) business days from the date of assignment by the IRT. Upon completion, the site administrator must submit the Administrative Review Investigative Report, along with all supporting documentation to the Region/District Office and, following its review, to OPS.

CIVILIAN INVESTIGATIVE UNIT

The Civilian Investigative Unit (CIU) investigates non-criminal incidents of misconduct made against M-DCPS personnel as assigned by the IRT. Absent unusual circumstances, CIU forwards a completed investigative report, including a determination of Probable Cause, No Probable Cause or Unfounded, to OPS within thirty (30) business days, from date of assignment by the IRT.

CIVIL RIGHTS COMPLIANCE

The Office of Civil Rights Compliance (CRC) investigates complaints of discrimination, harassment and/or retaliation in employment or educational activities filed by employees, students, parents, applicants, and/or former employees. The complaints filed must be based on one or more of the protected categories, as defined by federal law, state statutes, School Board Rules or local ordinances. The applicable laws and protective categories can be found under School Board Rule 6Gx13-4A-1.32, Discrimination/Harassment: <http://www.dadeschools.net/schoolboard/rules/Chapt4/4a-1.32.pdf> and/or the Office of Civil Rights Compliance Employee Complaint Form (FM# 5148 Rev. 08-04) <http://forms.dadeschools.net/webpdf/5148.pdf>.

If during the course of its investigation, CRC determines that discrimination, harassment and/or retaliation have not occurred, CRC may determine if any School Board Rules have been violated. If a finding of Probable Cause occurs, CRC forwards the completed investigative report, including the determination of Probable Cause to OPS.

WHEN THE INVESTIGATION IS COMPLETED

At the conclusion of the investigation, the assigned investigative unit forwards the completed investigative report to OPS. The completed report contains a determination of No Probable Cause, Probable Cause or Unfounded.

OPS reviews the investigative findings and if there is a determination of Probable Cause, a SPAR number, in lieu of a lead sheet, is created.

NO PROBABLE CAUSE or UNFOUNDED DETERMINATION

If the final determination is No Probable Cause or Unfounded, the investigative unit transmits the investigative report to OPS. After a review of the investigative findings, OPS transmits the report to the Region/District Office and to the worksite administrator within two (2) business days. The worksite administrator conducts a meeting with the employee to advise him/her of the outcome of the case, at which time, the employee is provided a copy of the entire investigative report and all supporting documents, except confidential information. The case is promptly **CLOSED** and no further administrative action is taken.

PROBABLE CAUSE DETERMINATION – *(No School Board Action Required)*

If probable cause is found for a minor offense which would not lead to a recommendation of suspension, demotion or dismissal, OPS submits the case to the worksite administrator to conduct a site disposition, which may include, a letter of reprimand, directives and/or a review of applicable School Board Rules and/or policies. After consulting with the Region or appropriate administrative office, the worksite administrator forwards the site disposition to OPS within ten (10) business days of receipt of the case.

PROBABLE CAUSE DETERMINATION – *(School Board Action Required)*

If Probable Cause is found for a serious offense that could lead to a recommendation of suspension, demotion or dismissal, OPS is responsible for conducting a Conference-For-the-Record (CFR). Upon receipt of the initial investigative findings, OPS provides a copy of the investigative report to the employee within two (2) business days of receipt of the report.

OPS allows the employee two (2) business days to file **ONE** written exception to the investigative report. The written exception, if filed, *must state with particularity*, the reasons for the exception, which may include additional witnesses, evidence or information to be sought that, if obtained, would likely change the outcome of the investigation. OPS forwards the written exception to the assigned investigative unit for a determination as to whether the exception warrants a supplemental investigative report.

After the allotted time for filing a written exception has elapsed or after receiving a supplemental investigative report, OPS schedules and conducts a CFR. The work site administrator, along with the Region Superintendent/District Superintendent (or designee) is to be in attendance at the CFR. The CFR provides the employee with another opportunity to respond to the incident(s). The employee is entitled to union or association representation. A

summary of the CFR is prepared within five (5) business days and sent to the employee. OPS allows the employee two (2) business days from receipt of the summary to file an appendage, if he or she so desires.

DISCIPLINARY DETERMINATIONS

When the investigative unit determines Probable Cause, OPS recommends proposed disciplinary action. OPS schedules a Disciplinary Review Team (DRT) composed of the Deputy Superintendent for District/School Operations or designee, the OPS Assistant Superintendent, the responsible OPS District Director, a representative from the School Board Attorney's Office, a representative from Human Resources, Recruiting, and Performance Management, and the appropriate Region/District Office representative and worksite administrator, to determine the proposed recommended disciplinary action. The addition of a representative from the School Board Attorney's Office to DRT is intended to help expedite the 60 day timeline for the disposition of cases.

Upon a final determination of the recommended disciplinary action, OPS provides written notice to the employee, the Region/District Office and the worksite administrator. It is the responsibility of the worksite administrator to return the signed copy of the recommended disciplinary action to OPS within two (2) business days. If the employee refuses to sign (acknowledge receipt), two administrators must witness, and indicate the employee's refusal to sign.

Within five (5) business days of the confirmation that the employee has received written notice of the proposed recommended disciplinary action, OPS schedules and conducts a meeting prior to Board action.

SCHOOL BOARD ACTION

The School Board of Miami-Dade County, Florida, acts upon the recommended disciplinary determination at its regularly scheduled monthly meeting.

EMPLOYEE NOTICE OF FINAL DISTRICT ACTION

The Office of Professional Standards notifies the employee's supervisor (verbally) and employee (in writing) of final School Board action. The case is

then **CLOSED**, *unless there is an appeal or arbitration to the Division of Administrative Hearings.*

GLOSSARY OF TERMS/ACRONYMS

Administrative Review (AR) – An investigative process to be conducted by the worksite administrator when assigned by the **Incident Review Team (IRT)**.

Civil Rights Compliance (CRC) – The entity assigned to investigate complaints of discrimination, harassment and/or retaliation, including sexual harassment, filed by applicants, current and former employees, students and their parents. This is separate from the PIM process.

Civilian Investigative Unit (CIU) – The entity assigned to investigate serious non-criminal incidents of misconduct made against M-DCPS personnel.

Conference-For-the-Record (CFR) – A formal meeting held with an employee by a worksite administrator or the Office of Professional Standards, to address performance and/or investigative findings (issues). A CFR is fact-finding in nature.

Disciplinary Action – Action(s) taken based on a final determination of probable cause. Such actions may include a written reprimand, suspension, demotion, or dismissal.

Disciplinary Review Team (DRT) – A group consisting of a representative from the Office of the Deputy Superintendent for District/School Operations, the OPS Assistant Superintendent, the responsible OPS District Director, a representative from the School Board Attorney's Office, a representative from Human Resources, Recruiting, and Performance Management, and the appropriate Region/District Office representative and worksite administrator. This group meets to determine and recommend the most appropriate disciplinary action.

General Investigations Unit (GIU) – The investigative unit of M-DSPD. This unit investigates alleged incidents which may lead to criminal charges.

Incident Reporting Form – The form to be completed by a site administrator when reporting an incident to IRT telephone line. The information contained therein will be utilized to determine which investigative unit will conduct the investigation.

Incident Review Team (IRT) – A group consisting of a representative from Civil Rights Compliance, the Civilian Investigative Unit, General Investigative Unit, the Office of Professional Standards and Human Resources, Recruiting, and Performance Management. This group meets to review the alleged incidents and to determine and assign the most appropriate investigative unit.

Investigative Unit – An agency of the school district charged with conducting investigations. Units include CIU, CRC, GIU and worksite administrators.

Investigative Report – A written report, submitted by an investigative entity, detailing fact-finding conducted as a result of an alleged incident. The investigative report must conclude with a recommended finding of **Probable Cause, No Probable Cause or Unfounded**.

Miami-Dade Schools Police Department (M-DSPD) – The official police agency of Miami-Dade County Public Schools.

No Probable Cause – The absence of probable cause.

Office of Professional Standards (OPS) – The office that directs employment actions to maintain and promote ethical performance standards in accordance with School Board policy, contractual stipulations, state statutes and federal laws.

Personnel Investigative Model (PIM) – The model for conducting investigations of incidents made against employees of M-DCPS.

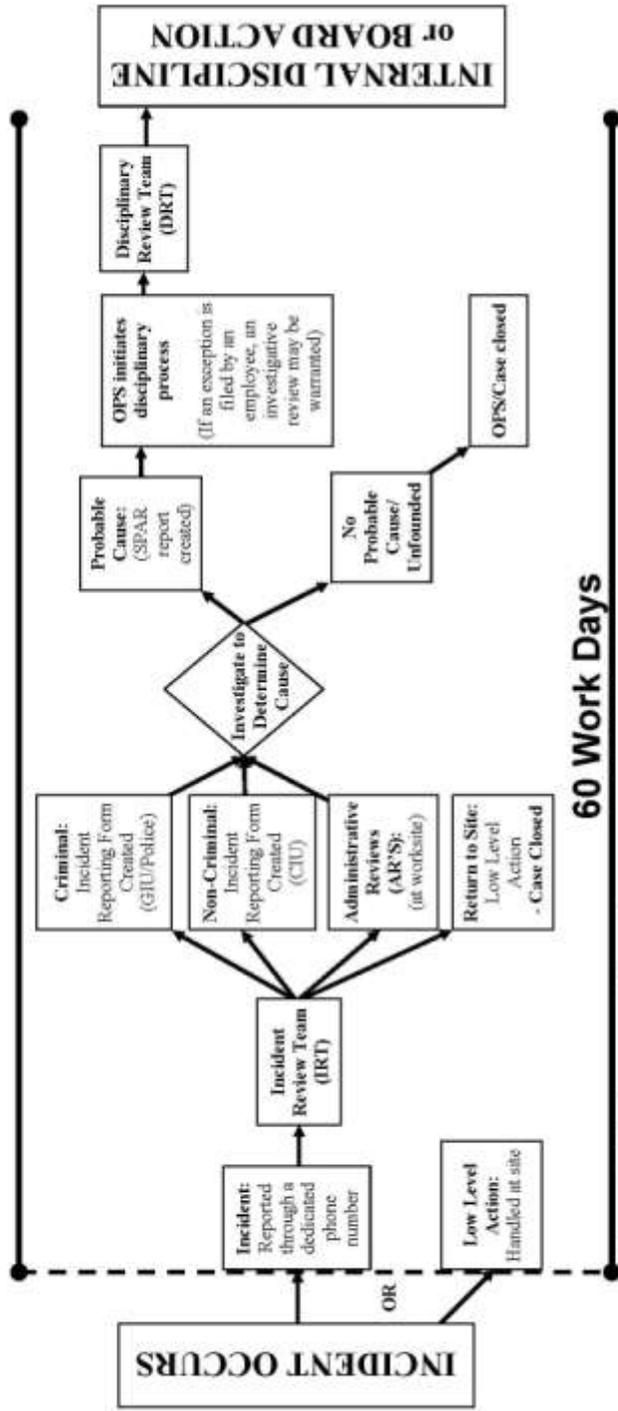
Probable Cause - It is more likely than not that the alleged incident occurred.

School Police Automated Reporting (SPAR) – The system for tracking cases that are required to be reported to the Department of Education.

Site Disposition – A written record of actions taken by the worksite administrator to bring closure to a case, based on a finding of **Probable Cause, No Probable Cause or Unfounded** for an investigative issue.

Unfounded – A baseless, not based on fact or sound evidence, unsupported accusation.

Revised Personnel Investigative Model (PIM)



Alternate Assignment Procedures:

External Review Group (ERG), established by the Superintendent - reviews alternate assignment placement beyond 60 days with the authority to continue reassignment or return to work.

Notes:

- IRT—Incident Review Team
 - CIU—Civilian Investigative Unit
 - CRC—Civil Rights and Compliance
 - DRT—Disciplinary Review Team
 - GIU—General Investigative Unit
 - HR—Human Resources Recruiting & Performance Management
 - OPS—Office of Professional Standards
- IRT** is a group consisting of a representative from CRC, the CIU, GIU, OPS, HR, School Operations and School Board Attorney. This group meets to review the incidents and to determine and assign the most appropriate investigative unit.
- DRT** is composed of the Deputy Superintendent for District/School Operations or his designee, the OPS Assistant Superintendent, the responsible OPS District Director, a representative from the School Board Attorney's Office, a representative from HR, and the appropriate Region/District Office representative & worksite administrator, to determine the proposed recommended disciplinary action.