

## Proposal: Investigation Guidelines for an Investigating Officer and a Decision-Making Supervising Officer

These Guidelines address situations when an allegation of unprofessional or unethical behavior that may lead to disciplinary action has been made by any person concerning an employee or supervisor at Bemidji State University. The Guidelines are intended to assist the Investigating Officer in conducting a timely, fair, and complete investigation prior to any disciplinary decisions and actions. Ideally, the Investigating Officer and the Decision-Making Supervising Officer should be two different persons.

### The Investigating Officer:

Should conduct each stage of the investigation in a *timely, informal, and non-confrontational* manner whenever possible;

Should inform the accused

of the impending investigation, including a brief description of the

*times,*

*dates, and*

*incidence(s)*

that are relevant to the allegation

*before* starting the investigation;

Should collect facts from all the players involved in the incidence(s) leading to the allegation about the *accused*, the

*players* defined as

*participants* and

*witnesses,*

*facts* defined as all offered

*verbal* and

*recorded* or otherwise *documented*

*evidence* from the *players,*

and the

*accused* defined as the person against whom the allegation of unprofessional or unethical behavior has been lodged;

Should attempt to verify *all* the facts offered;

Should

put into written form *all* offered facts from each player, and

present that portion pertaining to that player for verification;

Should be allowed to enter relevant evidence in the knowledge of the Investigating Officer,

but must also collect *independent* corroboration of that knowledge;

Should inform the accused of the *names* of all players, including the *accuser(s), early* in the investigation;

Should allow the accused to

view *all* evidence and

enter into the record a rebuttal that is comprised of counter-evidence;

Should allow the accused to

rescind any waiver of any part of these Guidelines he/she may have explicitly granted earlier

at any time before any disciplinary action by the Decision-Making Supervising Officer is invoked .

### The Investigating Officer:

Should *not* be a player;

Should *not* include any information from a person who is not a player;

Should *not* make assumptions;

Should *not* be selective of the facts offered;

Should *not* alter any of the facts offered.

### The Decision-Making Supervising Officer:

Should inform the accused and players of the completion of the investigation before making any decisions based upon it;

Should *not* put into action any such decision before informing the accused of the impending decision and its consequences.

The burden of proof rests with the Investigating Officer and the Decision-Making Supervising Officer, who will carry out their duties *in the spirit* of these Guidelines even as they *exercise flexibility*. The accused will *not* be required to carry a burden of proof.

Departure from these Guidelines by the Investigating Officer or the Decision-Making Supervising Officer will be explained in writing and put into the record so that it may be reviewed by the accused for possible rebuttal. Substantial departure from these Guidelines will prejudice the investigation beyond repair and will allow the accused to lodge an allegation of unprofessional or unethical behavior, as well as failure to carry out his/her duty, against the Investigating Officer and the Decision-Making Supervising Officer.

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