

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries: ACA, ACF, ACF-RA, ACH, ACI, ACI-RA, BBB, GCA-RA, KBA, KBA-RA, JHF, JHF-RA; Negotiated Agreements
Responsible Office: Office of the Human Resources and Development

Investigation of Allegations of Employee Misconduct

A. PURPOSE

To establish the core principles guiding investigations of allegations of misconduct by Montgomery County Public Schools (MCPS) employees

B. POSITION

1. The Montgomery County Board of Education expects all employees to adhere to the law and ethical standards of conduct set forth in Board policies and core values, MCPS regulations, and the *Employee Code of Conduct in Montgomery County Public Schools* (hereafter “MCPS rules”).
2. MCPS shall –
 - a. apply MCPS rules in a fair, equitable and reasonable manner, in alignment with Board Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*; and
 - b. investigate alleged employee violations of these rules (hereafter “misconduct”) in a thorough and professional manner, using a consistent approach for comparable types of cases.
3. The goal of any MCPS internal investigation shall be to determine whether there is a preponderance of evidence to substantiate an allegation of misconduct by a thorough and objective examination that establishes key facts, gathers information to address gaps in the evidence, and resolves omissions or inconsistencies in such evidence.

40 **C. IMPLEMENTATION STRATEGIES**

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81

The superintendent of schools shall –

1. Establish a case management process for the receipt, evaluation, tracking and disposition of all investigations of allegations of employee misconduct, to include –
 - a. a confidential public hotline that is managed externally from MCPS for allegations of employee misconduct, whether the reporter self-identifies or remains anonymous;
 - b. a case-tracking system that logs self-identified and anonymous reports into compliance software and a shared drive; and
 - c. investigation of all complaints that pursues anonymous complaints with the same procedures and thoroughness as those in which the complainant identifies themselves, based on all relevant information available.
2. Establish clear guidelines for the conduct and documentation of investigations, and review and update these guidelines annually.
3. Set staffing expectations for the MCPS investigation unit that results in a balanced portfolio of expertise among, and ongoing professional development of, unit leadership and investigators that includes relevant federal and state law, Board policies and negotiated agreements, school and district operations, and MCPS regulations concerning the rights and privileges of employees including, but not limited to employment, tenure, performance evaluation, due process, and Maryland certification requirements.
4. Develop protocols for investigators to –
 - a. immediately disclose any conflict of interest (whether actual, potential, or perceived) or prior or existing relationships with the accused, the victim, or a witness; or in the chain of command of the accused, the victim, or a witness that may impact the investigator’s objectivity or cause others to question that objectivity;
 - b. coordinate with applicable external agencies (e.g., the Montgomery County law enforcement agencies, the Maryland Office of the State’s Attorney and/or Child Protective Services or Special Victims Unit) to eliminate any possibility of interfering with or jeopardizing those agency

82 investigations.

83
84 c. elevate the awareness of all parties (e.g., the respondent, the complainant,
85 and any witnesses) of MCPS safeguards against retaliation for
86 participating in an investigation; and

87
88 d. maintain the integrity of the investigation through -

89 i) the preservation of all evidence and documentation,

90 ii) adherence to all confidentiality requirements, and

91
92 iii) fidelity in implementation of established processes.
93

94
95
96 **D. DESIRED OUTCOMES**

97
98 1. Employee conduct shall meet the high standards of conduct and accountability set
99 forth in MCPS rules.

100
101 2. Any allegations of employee misconduct shall be thoroughly and professionally
102 investigated with fidelity to established processes.

103
104 3. Investigators shall be qualified, impartial, unbiased, and free of any conflict of
105 interest (whether actual, potential, or perceived) that may impact their objectivity
106 or cause others to question their objectivity.

107
108 4. MCPS investigators will be thorough and objective in establishing key facts,
109 addressing gaps in the evidence, and resolving omissions or inconsistencies in
110 such evidence.

111
112
113 **E. REVIEW AND REPORTING**

114
115 This policy will be reviewed on an ongoing basis, in accordance with the Board of
116 Education policy review process.

117
118
119 Policy History: New policy, adopted by Resolution No. .