

INVESTIGATION MEETINGS FAQ

Investigation Meetings: Frequently Asked Questions

1. What is an investigatory meeting for?

Investigatory meetings, or investigations, are used by administrators to ask staff members questions about allegations or an incident. They can be the basis for discipline, which is what gives an employee the right to have someone with you in the meeting (part of what are called your Weingarten rights).

2. What should I do if my supervisor asks to meet with me or starts asking probing questions?

Ask them about the purpose of the meeting or the reasons for their questions. If they are elusive, ask if the meeting or their questions could lead to any discipline. If they say it can or if you think the questions that they are asking you, even in casual conversation or in the midst of a meeting, could lead to your discipline, then ask to have your Association Representative (AR) present. Since the meeting could lead to discipline, it is now considered an investigatory meeting, and your Weingarten rights are triggered.

3. Who can I have in the meeting with me?

You have a right to representation during any meeting or conversation that could result in your discipline (Weingarten rights). We recommend that WEAC members bring an AR with them – that can be your Building Representative (BR) or other officer of your local (president, vice president, grievance chair, etc.) If one isn't available or there aren't any in your local, you can bring a trusted colleague with you.

4. What if my Association Representative isn't available when admin wants to have the meeting?

Since you have a right to a representative, you can contact your administrator to delay or reschedule the meeting for a reasonable, but not indefinite, amount of time to have your representative present.

5. When do I find out what the investigation is about?

As soon as you learn that you are being investigated, you should ask why and make a specific request for all of the information that the district has already collected that led to their decision to investigate you as well as any work rules that they believe may have been violated.

If the administration doesn't tell you prior to the meeting why they are investigating you, they must tell you at the beginning of the meeting. At that point you should ask to caucus with your AR or to postpone the meeting for as long as is necessary to prepare your response.

6. Do I have to answer questions?

You are required to answer questions in an investigatory meeting. If you refuse, it may be viewed as insubordination, which can be grounds for termination. Your answers must be honest, but you do not need to volunteer unasked for information. It's best to focus on your conduct and refrain from offering your opinion on the conduct of others (students, administrators, other staff, etc.). It's generally advisable to answer yes or no questions with yes or no unless there's an opportunity to share a piece of information that may exonerate you. Sometimes administrators ask vague or overly broad questions (e.g. did anything happen last week in your class?) In those cases, refrain from speculating and instead ask them to be more specific.

7. What if the allegation might be criminal and/or the police are involved?

We recommend in these cases that you do not answer questions or speak to the police until you have consulted with a criminal defense attorney. Ask your AR to contact the WEAC UniServ Director assigned to your local for further advice.

8. Can the administration place me on administrative leave?

Yes, you can be placed on PAID administrative leave during an investigation, even before you know what it is about. This is often very frustrating, and waiting can be the hardest part, but it is important not to panic. Many members have been placed on administrative leave during an investigation and have later been cleared of any wrongdoing.

If you are placed on leave, it is critical to follow the administration's directives and not to talk to other witnesses or students or staff involved in the alleged incident during the investigation as it could be seen as interfering with it. You may also be directed to stay off district property and to not use district equipment (computer, internet, etc...). You don't want to be cleared of wrongdoing related to an incident only to be disciplined or even terminated because you violated the terms of your administrative leave.