

## **Personnel Advisory Committee Investigation Procedure: Complaints of Workplace Misconduct**

The Head of Staff will assess a complaint to determine whether it requires a formal investigation. If so, the Head of Staff will refer it to the Personnel Advisory Committee (PAC). Per the Personnel Manual, if the complaint involves the Head of Staff, the chair of the PAC will make the determination as to whether it requires a formal investigation. If so, the PAC will refer the complaint to the Board of Directors. The Board may enlist the PAC to lead the investigation, or they may choose another course for the investigation.

### **Formal Investigation**

The PAC will conduct fact-finding as to the complaint and preserve all evidence it collects.

1. The PAC will notify the Complainant (the person making the complaint) and the Respondent (the person against whom the complaint has been made); inform the Respondent of the allegations; provide the Respondent with an opportunity to address the allegations; and establish a deadline by which the Respondent must meet with the PAC to discuss the matter.
2. If a complaint is of a nature as to make the workplace or another employee potentially unsafe, an employee may be put on administrative leave that may be paid or unpaid, during the investigation. During an administrative leave, the employee on leave will only be allowed to communicate with the PAC and, if authorized, with the Head of Staff and/or the Director of Administration.
3. An investigation may include, but is not limited to:
  - a. Interviews with the Complainant, the Respondent, and other witnesses identified by any party as having relevant information;
  - b. Examining written statements, including electronic communication by the parties, relevant documents, and other relevant information;
  - c. Consulting with the Director of Administration and/or Head of Staff; and d. Considering the Respondent's prior or subsequent conduct to assess whether it was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct, as well as knowledge, intent, or motive.
4. All members of the UUCB community are expected to cooperate fully with the investigative process. The PAC may contact any individual believed to have information relevant to an investigation and request an appointment to discuss the matter.
5. All persons involved in the investigation process, including the Complainant and

Respondent, shall keep all information related to the investigation confidential.

### **Report of Investigation**

Following the investigation, the PAC will provide an Investigation Report to the parties.

1. The Investigation Report will include:
  - a. The specific allegation(s);
  - b. The Respondent's response to the allegation(s);
  - c. The PAC's summary of the investigation and its determination.
2. If the PAC determines that the Respondent violated law, UUCB policy, or other standards of workplace behavior, the PAC will recommend appropriate sanctions. The PAC will then provide the Investigation Report to the Head of Staff.
3. If the Lead Minister/Head of Staff is the subject of the investigation, the PAC will provide the report to the Board, if the Board assigned the investigation to the PAC.

### **Finding and Decision**

Upon receiving the Final Investigation Report, the Lead Minister as Head of Staff (or, if the Lead Minister is the subject of the complaint, the Board) shall issue one of the following findings using a preponderance of the evidence standard:

1. **Finding of "No Violation"**: If the behavior the Complainant alleged and PAC investigated did not violate law, policy, or workplace standards, the Head of Staff shall provide the parties written notice finding no violation. The Head of Staff shall maintain files containing documents of the investigation, and not place these in the employee's Personnel file.
2. **Finding of a "Violation"**: If the behavior the PAC investigated did violate law, policy, or workplace standards, the Head of Staff shall issue the finding of violation and appropriate sanction(s) as described below. The Head of Staff may consult with the PAC or Board prior to issuing the finding and/or sanction.

### **Sanctions**

The Head of Staff shall provide the parties written notice of the finding and any sanctions. When determining the appropriate sanctions, The Head of Staff shall consider the nature and severity of the behavior and the existence of any prior incidents or violations. Sanctions include the following:

1. **Level One Sanctions**: Sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to Personnel Advisory file or other similar corrective action. Level One sanctions are not appropriate

if the Respondent is found responsible for a physical act of violence.

2. **Level Two Sanctions:** Sanctions that directly modify job duties, salary, or job status, including pay cut, suspension, and termination.