

Fact Finding Guidelines for FS Management

Goal

- Timely and thorough.
- Focus on which policies/procedures may be relevant to the issue/incident.
- The fact finders facilitate the meeting and are responsible for ensuring that the fact finding meets the goals.
- Professional and objective. You aren't making the final decision alone. The intent of the fact finding is to collect information.
- Consult with FS HR, if needed.

Prepare

- Review policies/practices to understand which may potentially apply to the complaint.
- Develop questions. Start by asking open-ended questions. Drill down by asking specific questions, such as Who, What, Where, When, Why, How, etc.
- Notify employee that they have a right to a union representative. If they decline, have them sign the waiver of union representation (form can be located on FES HR website).
- Perform fact finding. Be diligent. Fact-finding sets the tone and possibilities for everything else that follows. Sound litigation requires sound ground work.

During The Fact Finding Meeting

- Place (private and confidential).
- Ask prepared questions about the issue/incident. Ask for clarification when needed. Ask if there is anything else we should know and if there is anyone else we should speak with re: this matter?
- Additional witnesses may be identified during the fact finding(s). Interview those who may have firsthand knowledge of the alleged issue/incident.
- Reluctant Witnesses - Explain importance of participation. Provide a copy of APS 46.3 if needed:

Administrative Policy Statement (APS) 46.3

All University employees are required to participate, provide information as requested, and otherwise fully cooperate with the fact finding process. University policy prohibits retaliation against individuals who bring complaints or who participate in the fact finding process. An employee who is found to have engaged in retaliatory conduct may be subject to appropriate corrective action, up to and including dismissal. Misrepresentation of facts during a fact finding may also result in disciplinary action

Confidentiality

I will remind you that the fact finding process is to remain confidential among those involved. Please respect this process by not discussing it with other University employees. The purpose of requesting confidentiality is to protect the integrity of the investigation process and the privacy of the employees involved. It does not mean that anyone involved in this process is discouraged from reporting to appropriate University officials or other authorities or agencies any illegal or otherwise inappropriate behavior. It also does not preclude anyone from seeking advice, including that of legal counsel or their union, if applicable.

Retaliation

Please contact me immediately if you believe that any inappropriate conduct is directed towards you as a result of engaging in the fact finding process. I also expect that you will abide by this policy and take no retaliatory action against those involved in the fact finding.

Documentation

- Both fact finders take their own notes.
- Keep and maintain one investigation file.

Post Fact Finding Meeting

- Summary or re-cap to appropriate people and follow-up letters (templates) to employees involved (case dependent).