

# Mississippi Department of Education Office of Educator Misconduct

## Conducting Educator Misconduct Investigations





## **Vision**

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To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

## **Mission**

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To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

# State Board of Education Goals 5-Year Strategic Plan for 2016-2020

- ✓ All Students Proficient and Showing Growth in All Assessed Areas
- ✓ Every Student Graduates High School and is Ready for College and Career
- ✓ Every Child Has Access to a High-Quality Early Childhood Program
- ✓ Every School Has Effective Teachers and Leaders
- ✓ Every Community Effectively Using a World-Class Data System to Improve Student Outcomes
- ✓ Every School and District is Rated “C” or Higher

# OEM Responsibilities

The Office of Educator Misconduct (OEM) has the following responsibilities:

- Providing professional development to promote ethical conduct by all licensed, public school educators in Mississippi, as detailed in the *Mississippi Educator Code of Ethics and Standards of Conduct*
- Managing cases of educator misconduct complaints/allegations

# OEM Responsibilities, continued

- Reviewing investigations, follow-up investigations, and investigating cases regarding allegations of educator misconduct
- Conducting hearings before the Commission on Teacher and Administrator Education, Certification and Licensure and Development when an educator has acted unethically

# OEM Responsibilities, continued

- Communicating with courts, districts, and educators, when violations of the *Mississippi Educator Code of Ethics and Standards of Conduct* and/or Miss. Code Ann. § 37-3-2 (11) or (12) are reported
- Evaluating licensure applications from applicants who have violated Miss. Code Ann. § 37-3-2 (11) and scheduling hearings, if applicable
- Reporting MS educators/applicants whose licenses have been surrendered, suspended, revoked, and/or denied to other state agencies

# Documentation Needed by the Office of Educator Misconduct

- Appendix C Form – Report from Superintendent of Education for Reporting Infraction under Miss. Code Ann. § 37-3-2
- Notarized affidavit stating the facts of the case
- All district communication to the employee regarding the investigation
- Employee Contract
- Written statements/complaints from all parties involved, including the educator.
- Any law enforcement reports/records, if applicable.

# Documentation Needed by the Office of Educator Misconduct

- Notarized board minutes of the school board's approval of the employee's resignation/termination, if applicable
- Documentation of resignation/termination, if applicable
- Local district policy that may be pertinent to case
- Transcript from termination hearing including exhibits, as well as final order, if applicable

# Why Conduct an Investigation?

- An investigation is conducted when there is reasonable information that there may have been wrongdoing, misconduct, or a violation of the *Mississippi Educator Code of Ethics and Standards of Conduct*.
- An investigation may also be appropriate when allegations are made regarding an educator or employee. The investigation is intended to exclude the possibility that wrongdoing occurred.

# What can Investigations do for You?

Investigations determine:

- What happened with respect to a particular incident and are fact-finding
- Whether suspected conduct did or did not take place
- What the circumstances were
- Who was involved
- Whether a violation of policy, code of ethics, or state law occurred

# Best Practices on How to Conduct an Investigation

A good investigation begins by following each of these practices:

- Be fair and objective
- Treat all parties with respect and dignity
- Resist the temptation to draw your own conclusion(s)
- Keep an open mind until the report has been proven or disproven to be factual
- Consider other possible explanations or scenarios
- Be sensitive to any actual or perceived conflicts of interest that might arise

# Best Practices on How to Conduct an Investigation

- Avoid the appearance of bias or partiality to a particular person or result
- Conduct interviews in a professional manner
- Remain calm and in control throughout the interview
- Avoid the use of sarcasm and threats
- Ensure all interviews are confidential
- Do not reveal relevant facts related to the allegation
- Do not discuss your opinions or conclusions
- Interview only one (1) person at a time to avoid group dynamics and/or peer pressure distorting or suppressing the responses

# Best Practices on How to Conduct an Investigation

- Make inquiries promptly to ensure that appropriate documents and e-mails are preserved, and that all steps are taken to stop continuing or imminent noncompliance
- Take the time needed to exercise appropriate diligence in conducting the investigation
- Safeguard documents against inadvertent disclosure
- Store all documentation in a secure location
- Protect the confidentiality of the investigation
- Take necessary disciplinary action, if applicable

# Best Practices on Conducting Interviews

Prepare an outline before the interview.

- Determine who should be interviewed
  - The reporter (if identified)
  - The subject of the investigation
  - Anyone who observed a relevant incident
  - Other witnesses with relevant information
  - Authors of relevant documents or videos
  - People whom you have been asked to interview
  - Supervisor of the subject of the investigation

# Best Practices on Conducting Interviews

- Determine what information the witness may have
- Prepare a list of questions prior to conducting an interview
- Avoid the use of an interview script

# Best Practices on Conducting Interviews

Pointers on conducting your interview:

- Conduct the interview in a location that is conducive to effective information-gathering and protects the fairness of the process
  - Avoid conducting interviews in restaurants or other public places
  - Use telephone interviews as a last resort

# Best Practices on Conducting Interviews

Information to gather during the interview:

- Determine who, what, where, when, why, and how
- Center the interview on the specific misconduct at which the investigation is aimed
- Explore any surrounding circumstances, such as relationships, possible motives, or bias
- Request any relevant documents, videos, or other items to prove or disprove the information received

# Best Practices on Conducting Interviews

## Conducting the Interview

- Ask open-ended questions. Open-ended questions are more likely to result in your learning what the witness knows. “Who was there?” “What was said?” “Why did you do that?”
- Determine whether the witness is speaking from personal knowledge or just relying on the hearsay statements of others. The basis of the witness’ knowledge is always important.
- Ask the witness to list all individuals who have knowledge of any of the events.

# Best Practices on Conducting Interviews

- Save unfriendly or embarrassing questions until the end of the interview. Beginning with the “tough” questions may cause the witness to become defensive.
- Assist a person does not remember by asking questions that help recreate the situation when the event occurred, but do not suggest an answer.
- Conclude the interview by asking: “Is there anything else relevant to this matter that I should know? Is there anything I missed? What else should I ask you? What other documents are important?”

# Best Practices on Conducting Interviews

## Closing the Interview

- Request a written statement of all the pertinent information the witness provided.
- Thank the witness for the information provided.
- Provide the witness with contact information, in the event more information becomes available or is remembered.
- If you asked the witness to furnish documents, videos, or other items, this is the time to renew that request and agree to a list and date for production.

# Questions

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<https://districtaccess.mde.k12.ms.us/Accreditation/Documents/Forms/AllItems.aspx>