

Policy Number: 1180

Policy Name: Internal Investigations Policy

Responsible Office: Human Resources Office

Effective Date: February 26, 2018

Last Updated: May 15, 2025

I. Policy Statement

Richard Bland College is committed to ensuring that all complaints and potential violations of RBC policy and standards of conduct are reviewed in a fair, impartial, thorough, and thoughtful manner. It is the policy of the College to provide an environment where employees can express grievances without fear of intimidation or retaliation. While investigations should not be the first option, they are sometimes necessary and appropriate. However, they are not a tool for managing workplace conflict, nor should they be used to address minor matters that could be resolved using non-disciplinary options.

II. Reason for Policy

The purpose of this policy is to provide a framework for the processes to be followed when complaints are filed or information pertaining to potential misconduct is received by the RBC Office of Human Resources.

III. Applicability of the Policy

This policy applies to all Richard Bland College employees, including wage, adjunct, faculty, classified staff, and Administrative & Professional employees.

- **Academic Faculty:** allegations of faculty misconduct are generally handled per the RBC Faculty Handbook, section XV. *Academic Faculty Misconduct*. However, faculty misconduct may be investigated using the procedure outlined in this section of the RBC Policy Manual and/or other applicable sections of the Policy Manual depending on the allegations involved. The decision about whether to investigate faculty misconduct using the Faculty Handbook or the Policy Manual is made at the sole discretion of the College President, after consultation with the Chief Academic Officer and the Director of Human Resources.
- **Students in Work Study Program:** this policy does not apply to students participating in the work study program. Issues that arise between and or among students while performing their duties in the work study program are handled by their supervisors or the College's Student Conduct Board if applicable.

IV. Policy

The Office of Human Resources will promptly review all alleged violations of policy and/or standards of conduct. The Director of Human Resources will have primary responsibility for investigating complaints relating to employee misconduct. In certain situations, other departments may assume responsibility for the investigation. These situations include:

- **Alleged criminal violations of the law:** these will be investigated by the RBC Department of Campus Safety and Police.

- **Alleged violations of Title IX:** these will be investigated by the RBC Title IX Coordinator.

In some cases, College Counsel may be consulted. In such cases, the Director of Human Resources will follow Counsel's instructions relating to communications and evidence to ensure that "attorney-client" and "attorney work product" privileges are preserved.

A. **Preliminary Assessments**

When a formal complaint is filed with the Office of Human Resources or information about a potential policy violation is received, the Director of Human Resources will conduct a Preliminary Assessment. The Preliminary Assessment will determine what the workplace issue is about, whether it has substance, and whether it justifies the commencement of a full investigation. A Preliminary Assessment is not an investigation; it is a means of determining how to proceed. The assessment will be conducted by the Director of Human Resources and may be as simple as considering the workplace issue and appropriate options for resolution, or it may extend to obtaining additional documents or records, talking to the complainant to clarify the issue(s), or talking to witnesses to obtain further information. The following factors will be considered during the Preliminary Assessment:

- Whether there is sufficient information to indicate that the workplace issue(s) raised can be remediated without conducting further investigation.
 - Whether alternative remedial action (e.g., an apology or mediation) is a satisfactory means of resolution.
 - How much time has elapsed since the workplace issue(s) occurred.
 - Whether criminal conduct has occurred.
 - Whether a Title IX violation has occurred.
 - Whether other risks are identified (e.g., health and safety of employees and students, detriment to members of the RBC community, reputation of RBC, security of documents, etc.).
 - What the complainant's expectations are regarding actions and outcomes for themselves and other persons involved.
 - Whether the allegations are trivial, frivolous, or vexatious.
- **When an Investigation Is Not Warranted**
In cases where the Preliminary Assessment determines an investigation is not warranted, the Director of Human Resources may attempt to resolve the matter by utilizing options such as counseling, training and education, performance management, or mediation. RBC Human Resources will not launch an investigation in cases where:
 - The workplace issue is minor and does not appear to amount to misconduct.

- There is no evidence of a violation of RBC policy and/or standards of conduct.
- The accused fully admits to the misconduct and agrees there is no need to investigate.
- **When an Investigation is Warranted**
In cases where the Preliminary Assessment determines an investigation is warranted, the Director of Human Resources will commence investigative activities. The President, after consultation with the Director of Human Resources, may name an internal or external investigator to investigate the allegations of the complainant.

The following list, while not all-inclusive, provides examples of the types of situations the Director of Human Resources, and/or an internal or external investigator, will investigate:

- Alleged conduct or intentional behavior that potentially violates RBC policy and/or standards of conduct.
- Alleged conduct or intentional behavior that affects the safety, security or well-being of fellow employees, students, visitors, operations, or campus activities. Such conduct includes, but is not limited to, threatening communication, physical injury, or potential physical harm to another, aggressive or hostile behavior, intentional damage to RBC property, or possession of any weapon, regardless of government licensing.
- Alleged verbal or physical conduct that potentially denigrates or expresses hostile feelings toward another RBC employee or student.
- Creating an intimidating, hostile, or offensive work environment.
- Unreasonably interfering with an employee's work performance.
- Claims relating to unfair labor practices.

The investigator will use the preponderance of the evidence standard for investigations.

- **Interim Measures**

If the workplace dispute, complaint or concern involves a threat of harm or danger to another employee or student, the College President, in consultation with the Director of Human Resources, may suspend the employee (or employees) with or without pay for the duration of the investigation or any portion of the investigation, up to and including any appeal.

- **Investigative Timeline**

The Office of Human Resources will make all reasonable efforts to review complaints and communicate findings in a timely fashion. Human Resources will acknowledge receipt of a complaint within two (2) business days. The investigative process will conclude within 14 business days of a filed complaint or receipt of information pertaining to potential violations of policy. In cases where the investigative process must exceed 14 business days, the Director of Human Resources will notify the complainant in writing.

STEP	ACTION BY THE DIRECTOR OF HUMAN RESOURCES
1.	Complete a Preliminary Assessment.
2.	If an investigation is not warranted, complete a Final Report and submit to Complainant.
3.	If an investigation is warranted, commence investigative activities (obtain verbal and written statements from witnesses, including the complainant and accused, review evidence, etc.)
4.	Preserve all evidence and secure the evidence in a locked location. Document all evidence obtained. Determine if there is potential risk occurrence. Take all measures appropriate to protect employees, students, visitors, property, etc.
5.	Upon conclusion of the investigation, complete a Final Report and submit to Complainant.

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E. **Final Report**

Based on the Preliminary Assessment and/or Investigation, the Director of Human Resources will determine whether the allegation(s) was founded, unfounded, or inconclusive. This determination will be documented in writing as part of the Final Report. The determinations are as follows:

- **Violation Found.** Where a violation of RBC policies, standards of conduct, or law is found to have occurred, the accused will be notified of the finding and of the specific or corrective actions to be taken. The accused employee’s supervisor also will be notified. No details about the nature or extent of disciplinary or corrective actions will be disclosed to the complainant(s) or witness(es) unless there is a compelling reason to do so (e.g., personal safety).
- **No Violation Found.** In this situation, the complainant and, as appropriate, the accused will be notified that the Director of Human Resources investigated the allegation(s) and found that the evidence did not support the claim.

- **Inconclusive investigation.** In some cases, the evidence may not conclusively indicate whether the allegation(s) was founded or unfounded. If such a situation occurs, notification will be sent by the Director of Human Resources to the complainant and, as appropriate, to the accused stating that RBC completed an investigation but has been unable to establish the truth or falsity of the allegation(s). The Director of Human Resources will take appropriate steps to ensure that (1) the persons involved understand the requirements of RBC's policies and applicable law, and (2) that the Office of Human Resources will monitor the situation to ensure compliance in the future.

F. **Confidentiality**

In most cases, privacy considerations will limit the ability of the Director of Human Resources to share confidential information with the complainant about personnel actions taken against the accused. However, in cases where legal action is required, or personal safety is a concern, disclosure of information may occur.

G. **Retaliation**

Richard Bland College prohibits retaliation, including verbal, written, or electronic threats against any individual who reports or provides any information concerning unlawful discrimination, harassment, or other violations of RBC policies, rules, or standards of conduct. Any employee found to be engaging in retaliation will be subject to disciplinary action up to and including termination.

H. **Risk Assessment**

The Director of Human Resources will make a reasonable effort to ensure that the complainant or person(s) providing information during an investigation is not exposed to threats of violence, intimidation, or personal risk. If any such situations are identified or have occurred, RBC will proceed with the appropriate response, in consultation with College Counsel and Campus Police. Any RBC employee found to have engaged in threatening behavior will be subject to disciplinary action up to and including termination, in accordance with federal and state laws and RBC policies.

I. **Retention of investigative Records**

Unless advised otherwise by College Counsel, RBC will retain records relative to an RBC-initiated investigation for the greater of a period of five years or the minimum retention period required by law.

J. **Release of investigative Records**

RBC will not release any investigative files, including interviews and findings, unless advised by College Counsel or pursuant to a court-authorized request (i.e., subpoena, court order).

K. **Appeals**

Once written notification of the outcome of the investigation and sanctions has been provided, the complainant and the accused have seven (7) business days from the date notice is hand-delivered to the party or received into the party's email

account to file an appeal. All appeals will be reviewed and decided by at least one RBC senior administrator.

An appeal is available only based on one or both of the following: (1) A procedural or substantive error in the process resulted in fundamental unfairness; and/or (2) New evidence emerged that was unavailable during the original investigation and could substantially impact the original finding. The sufficiency of the evidence and the severity of the sanction are not available as grounds for an appeal.

A request for an appeal must be submitted in writing to the Director of Human Resources and must set forth the grounds upon which the appeal is based. The Director of Human Resources shall confirm that the appeal is timely and shall forward it within five (5) business days of receipt to the appropriate RBC senior administrator. The Director of Human Resources will notify both parties in writing of the date the appeal was assigned for review. If adequate grounds for appeal have been stated, the senior administrator will consider the merits of the appeal. In considering the merits of the appeal, he/she may review any pertinent materials in the record and meet with the parties and witnesses as needed. Any information included in the appeal that does not support one of the above two reasons for filing an appeal shall not be considered in the appeal process.

Disciplinary actions, sanctions, and/or remedial and preventative measures, if any, taken as a result of the original complaint may be implemented and enforced even while an appeal is pending. Upon the request of the appealing party, the RBC senior administrator may temporarily suspend the imposition of the sanction(s) while the appeal is pending. The decision of the RBC senior administrator shall be final. It shall be provided in writing to the party who filed the appeal and to the Director of Human Resources within ten (10) business days from the RBC senior administrative receiving the appeal. If an extension beyond ten (10) business days is necessary, all parties will be notified in writing of the expected time frame. The non-appealing party shall be notified separately but concurrently of the decision. If an appeal is not filed within the appeal period, the findings of the investigation become final and are not subject to further review.

V. Related Documents

[RBC Policy 1120: Grievance Procedure for Administrative and Professional Employees](#)

[RBC Policy 1090: Policy Prohibiting Discrimination, Harassment and Retaliation](#)

VI. Contacts

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