



# **Administrative Regulation 9166**

## **ADMINISTRATIVE INVESTIGATIONS**

**Responsible Office:** Office of the General Counsel

### **PURPOSE**

The Superintendent has adopted this Administrative Regulation to establish the purpose and use of confidential administrative investigations in the Washoe County School District (District).

### **DEFINITIONS**

1. The Administrative Investigations Division (Division) of the Office of the General Counsel (OGC) provides internal investigative support for the District.
2. For the purposes of this regulation:
  - a. "Administrator" refers to a District Administrator (at the principal level or above);
  - b. "CRIF" refers to the District's Confidential Request for Investigation Form;
  - c. "Investigation" refers to an administrative investigation conducted by the Division or an outside individual or agency hired by the OGC;
  - d. "Standard of Proof" means the amount of evidence necessary to prove an assertion or claim; and
  - e. "Substantial evidence" means "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Richardson v. Perales*, 402 U.S. 389, 401 (1971).

### **REGULATION**

1. The District seeks to ensure that investigations are performed thoroughly and impartially, protecting the interests of the District, and upholding the rights and obligations of District personnel and students.
2. The Division may conduct investigations into matters with one or more of the following criteria:
  - a. Multiple witnesses;
  - b. Difficult or complex legal issues;
  - c. High risk of liability to the District;

- d. Allegation of staff on student bullying; and/or
  - e. Any other matter at the discretion of the OGC or direction of the Superintendent.
- 3. All investigations are in anticipation or prevention of litigation.
- 4. If a matter presents a potential conflict of interest, requires specialized subject knowledge, the Division's workload does not permit a timely investigation, or for any other good and proper reason as determined by the OGC, the OGC may retain an outside individual or agency to conduct the investigation at the OGC's direction under the same above criteria, when it is determined by the OGC that retaining such an outside individual or agency is necessary and appropriate under the circumstances. If the OGC determines at any time that a specific investigation referred to such outside investigator will likely exceed \$50,000 in fees and costs, if no conflict of interest exists, the OGC shall so notify the Board President in writing.
  - a. Retainer agreements entered into under this section are exempted from all requirements of Board Policy 3321, Contract Review and Approval.
  - b. Retainer agreements entered into under this section are exempted from the District's Independent Contractor Agreement and bidding/procurement process.
- 5. All documents and materials used as part of an investigation, and any reports or memoranda generated as a result of the investigation, are attorney-work product and/or attorney-client privileged materials.
  - a. The investigation is conducted at the direction of the OGC;
  - b. An investigation conducted at the direction of the OGC is not completed in the common course of business; and
  - c. The OGC directs the investigation to provide legal advice and/or support to the District.
- 6. The Administrator must submit a completed Confidential Request for Investigation Form (CRIF) to the OGC to request an investigation. The CRIF must be filled out in detail, signed, and dated by the Administrator. The Director of Civil Rights Compliance may submit a completed CRIF to the OGC to request an investigation into issues related to civil rights.

7. Upon completion of the investigation, the Division shall draft a Confidential Investigation Summary that analyzes the allegations and facts, including credibility issues. Relevant evidence should be attached to or referenced in the Confidential Investigation Summary. The Division shall provide a recommendation regarding the burden of proof, next steps, whether the evidence provided is substantial evidence to meet the standard of proof.
  - a. The recommendation shall be based on the totality of the circumstances to include:
    - i. The quality of physical evidence;
    - ii. The testimony of witnesses;
    - iii. The credibility of witnesses; and
    - iv. Circumstantial evidence.
  - v. The Division's recommendation is not a final determination on the evidence and whether the evidence provided is substantial evidence. The recommendation is advisory on behalf of the OGC.
8. Final decision and discipline
  - a. The final decision on whether substantial evidence exists to substantiate the allegation(s) rests with the Administrator.
  - b. The final decision on the issue of whether bullying occurred under NRS Chapter 388, rests with the Administrator or his/her designee, or the next highest administrator, as applicable.
    - i. If an investigation involved an allegation of bullying, the Administrator shall send all required notices, letters and reports to the families of all involved students.
  - c. If the Administrator disagrees with the recommendation of the Division, as to the existence of substantial evidence or whether bullying occurred, then the Administrator must discuss the disagreement with the OGC. The Administrator and OGC should work together to attempt to reconcile the difference of opinions. The Administrator shall create a memorandum explaining the reason for the decision and the actions taken.
  - d. The final decision on the appropriate level of discipline, if any, rests with the Administrator, in consultation with the Department of Labor Relations.

- i. If the Administrator disagrees with the recommendation of the Department of Labor Relations on the appropriate level of discipline, if any, then the Administrator must discuss the disagreement with the assigned Area Superintendent. The Administrator, Labor Relations, and the assigned Area Superintendent should work together to reconcile the difference of opinions. The Administrator shall then create a memorandum explaining the basis for the final decision and the actions taken.

## **LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS**

1. This Administrative Regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 9165, Legal Counsel;
  - b. Board Policy 1600, Public Complaint and Resolution Procedure;
  - c. Board Policy 0100, Nondiscrimination and Equal Opportunity;
  - d. Board Policy 5700, Safe and Respectful Learning Environment; and
  - e. Board Policy 9200 Harassment and Discrimination Prohibited.
2. This Administrative Regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
  - a. NRS Chapter 284, State Personnel, and specifically: NAC 284.702 – 284.734, Personnel records;
  - b. NRS Chapter 288, Relations Between Governments and Public Employees;
  - c. NRS Chapter 388, Safe and Respectful Learning Environment; and
  - d. NRS Chapter 391, Personnel.
3. This Administrative Regulation complies with applicable federal laws and regulations.
  - a. Title VII of the Civil Rights Act;
  - b. Fair Labor Standards Act; and
  - c. National Labor Relations Act.

**REVISION HISTORY**

Date	Revision	Modification
01/26/2020	1.0	Adopted
09/21/2022	2.0	Revised: Clarify language and update process.
01/18/2024	3.0	Revised: Clarify language and update process.
09/05/2025	4.0	Revised: Clarify language and update process.