



MIAMI-DADE COUNTY PUBLIC SCHOOLS

USERS' GUIDE

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Revised September 2019



THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA

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OVERVIEW AND PURPOSE

The **Personnel Investigative Model (PIM)** was initially approved and adopted by The School Board of Miami-Dade County, Florida, on November 17, 2004, Agenda Item A-4, Revised. Revisions to PIM were approved and adopted by The School Board of Miami-Dade County, Florida, on May 12, 2010, Agenda Item D-65. This revised guide provides all users with steps to be taken when incidents occur involving District employees. All entities involved in this process are committed to maintaining and promoting lawful and ethical performance standards in accordance with School Board Policies, contractual stipulations, federal laws, and state statutes.

BEFORE YOU REPORT AN INCIDENT

An administrator, principal or worksite supervisor, prior to reporting an incident(s), shall make a determination as to whether the incident is one that can and should be competently and comprehensively addressed at the worksite.

In consultation with the Region or supervisory administrator, worksite administrators throughout the District are expected to address issues and/or conflicts at the worksite. Issues should be resolved by encouraging communication with adherence to laws, rules and guidelines. When an issue cannot or should not be addressed at the worksite, it is to be immediately referred for review under PIM, through the corresponding Region/District Office.

Listed below are examples of alleged non-criminal incidents that ***SHOULD*** be addressed at the worksite and should not be reported to the Miami-Dade Schools Police Department (MDSPD) via the PIM:

- Classroom Discipline
- Employee Misconduct, e.g., insubordination, job performance and/or attendance issues
- Minor Incident – Misuse of District time, technology or equipment
- Non-criminal complaints by employees, students or parents
- Disputes regarding employee determinations in the areas of student attendance, grading and violations of the Code of Student Conduct, Levels I and II only
- Minor interpersonal conflicts, e.g., employee-employee, employee-student or employee-parent
- Violations of Departmental Policies or the Faculty Handbook

INCIDENTS THAT MUST BE REPORTED

The following incidents (criminal and non-criminal) are to be reported to the Miami-Dade Schools Police Department (MDSPD) by completing an Incident Reporting Form (FM-7039), <http://forms.dadeschools.net/webpdf/7039.pdf>, and emailing it to pimreporting@dadeschools.net.

Criminal Incidents

Criminal incidents involve acts that violate a state or federal statute, for which the law, upon conviction, provides a penalty. **If there are reasons to believe that a situation may immediately endanger the life of a student or staff member, call 911.** In addition, all criminal incidents ***MUST*** be ***IMMEDIATELY*** reported to the MDSPD at 305-995-COPS and an Incident Reporting Form (FM-7039) must be completed and emailed to pimreporting@dadeschools.net. Examples of alleged criminal incidents that must be reported are listed in School Board Policies [1121.01](#), [3121.01](#), and [4121.01](#), Employment Standards and Fingerprinting. A lead sheet and a School Police Automated Reporting (SPAR) number will be generated for the aforementioned criminal incidents.

Allegations of Child Abuse/Neglect

Allegations of child abuse and/or neglect must be reported ***IMMEDIATELY*** to the Florida Department of Children and Families at 1-800-96ABUSE (1-800-962-2873). Abuse is defined as any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Neglect occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. **This reporting requirement is in addition to reporting the allegation to 305-995-COPS. If the subject of the allegation is an employee, an Incident Reporting Form (FM-7039) must be completed and emailed to pimreporting@dadeschools.net.** A lead sheet and a SPAR number will be generated for the aforementioned criminal incidents when the allegation is against an employee.

Non-Criminal Incidents

Serious incidents that may result in demotion, suspension or dismissal and are ***non-criminal*** must be reported to MDSPD via the Incident Reporting Form (FM-7039), <http://forms.dadeschools.net/webpdf/7039.pdf>, and emailed to pimreporting@dadeschools.net. A lead sheet will be generated and forwarded to the Incident Review Team (IRT) to ensure proper processing and assigning of all cases associated with the PIM.

Civil Rights Violations

Complaints alleging discrimination, harassment and/or retaliation in employment or educational activities filed by employees, students, parents, or applicants must be reported to the Office of Civil Rights Compliance (CRC). A comprehensive list of the categories upon which a complaint can be based can be found at http://crc.dadeschools.net/pro_categories.asp. Complaints must be reported directly to CRC at 305-995-1580 or using the Office of Civil Rights Compliance complaint forms <http://forms.dadeschools.net/webpdf/5148.pdf> (Employees/Applicants) or <http://forms.dadeschools.net/webpdf/5199.pdf> (Parents/Students).

HOW TO REPORT AN INCIDENT(S)

In consultation with the Region or supervisory administrator, the worksite administrator is responsible for immediately reporting an alleged incident that will not be addressed at the worksite to the MDSPD by completing an Incident Reporting Form (FM-7039), <http://forms.dadeschools.net/webpdf/7039.pdf>. The form includes information pertinent to the incident such as the date of the incident, a detailed narrative of the incident, and the parties involved.

Upon completing the Incident Reporting Form, the administrator must immediately transmit the document via email to pimreporting@dadeschools.net, so that the form can be reviewed and processed by the MDSPD.

Please note that all complaints of civil rights violations (discrimination/harassment based on sex, race, color, ethnic or national origin, citizenship status, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis) **MUST** be reported directly to the CRC office at 305-995-1580 or using the Office of Civil Rights Compliance complaint forms <http://forms.dadeschools.net/webpdf/5148.pdf> (Employees/Applicants) or <http://forms.dadeschools.net/webpdf/5199.pdf> (Parents/Students).

It should be noted that complaints filed by applicants or employees must be filed as soon as possible but no later than **three hundred (300)** calendar days after the last act of prohibited conduct occurred. Complaints filed by parents and/or students must be filed within **one hundred eighty (180)** calendar days of the last act of prohibited conduct.

EMPLOYEE NOTIFICATION

Upon receipt of the written confirmation of the alleged incident (lead sheet), it is the responsibility of the worksite administrator to notify the employee verbally (within one business day) and in writing (within two business days). The written notification to the employee must identify the nature of the alleged incident(s) and the investigative entity. Refer to the Office of Professional Standards (OPS) Procedures Manual, http://ops.dadeschools.net/OPS_Manual.asp, for notification format.

The employee must be expeditiously notified as stated in the previous paragraph unless the alleged incident is one that is not appropriate for an employee to be notified (e.g. theft of School Board property or other illegal activity that may require police surveillance *or* if notifying the employee may cause an immediate threat of danger to the public, or impact the health, safety or welfare of the community or destruction of evidence).

WHICH INVESTIGATIVE UNIT WILL RESPOND TO THE INCIDENT(S)?

Once an incident has been reported, the IRT determines which unit will conduct the investigation into the alleged conduct. The IRT is comprised of a representative from the Office of Professional Standards (OPS), the Civilian Investigative Unit (CIU), the Miami-Dade Schools Police Department (MDSPD) General Investigative Unit (GIU), the Office of Civil Rights Compliance (CRC), the Office of Human Capital Management (HCM), District/School Operations, and the School Board Attorney's Office.

The IRT meets on a daily basis and contacts the appropriate site administrator to gain preliminary information regarding the allegation. Principals/site administrators are asked to preserve all artifacts related to the allegation: video surveillance, witness statements, audio recordings, etc. In addition, the IRT considers the following when assigning a case to an investigative entity: an employee's OPS history, arrest history, SPAR history, and school-site Personnel File history, with input from the site administrator. A checklist is utilized to ensure all factors are taken into consideration and is signed off by the OPS Administrative Director or OPS Designee. The IRT also confirms that all cases involving allegations of a sexual nature, involving an adult and a student, are *immediately* reported to the Department of Children and Families by the school site administrator as required by law.

Criminal

If the IRT determines that the incident may involve criminal conduct, GIU conducts the investigation. GIU then notifies the employee, in writing, of the allegation, as soon as it is appropriate. If GIU determines during the course of the investigation that no crime was committed, the alleged incident is cleared criminally, the State Attorney declines prosecution, or the allegation is unfounded, GIU continues with the investigation to completion in order to determine if any School Board Policy has been violated.

All allegations of a sexual nature between an adult and a student, including, but not limited to, inappropriate comments made to students of a suggestive or sexual nature, “grooming” behavior, inappropriate text messages/pictures sent to students, inappropriate touching or actual allegations of physical sexual contact, are assigned to the MDSPD for investigation. *All* allegations of sexual battery, as defined by Florida Statute § 794.011, will be investigated by Miami-Dade County’s, the local jurisdiction’s or municipality’s, or the Miami-Dade Schools Police Department Sexual Battery Unit, as applicable.

In addition, investigations involving allegations of a sexual nature will be reviewed by the Miami-Dade County Public Schools Chief of Police, or his/her designee only in an emergency situation or due to other unforeseen circumstances, and by the School Board Attorney’s Office prior to finalization.

Non-Criminal Incidents (not addressed at the worksite)

If the IRT determines that the incidents are *NON-CRIMINAL*, one of the following tracks must be taken:

- Return to worksite to be addressed and resolved (no formal investigation conducted)
- Administrative Review (AR)
- Civilian Investigative Unit (CIU)

All complaints involving civil rights violations are not part of PIM and MUST be reported directly to the CRC office at 305-995-1580 or using the Office of Civil Rights Compliance complaint forms <http://forms.dadeschools.net/webpdf/5148.pdf> (Employees/Applicants) or <http://forms.dadeschools.net/webpdf/5199.pdf> (Parents/Students).

HOW WILL THE INVESTIGATION BE CONDUCTED?

ADMINISTRATIVE REVIEW

The worksite administrator conducts the investigation if an Administrative Review (AR) is determined by the IRT to be the appropriate route to resolving the incident. A step-by-step guide on how to conduct an AR can be found in the OPS Procedures Manual at http://ops.dadeschools.net/PDFS/sec_III.pdf. Absent unusual circumstances, including but not limited to illness/absence of an individual involved in the investigative process; emergency closure of schools; unavailability of union representation, the worksite administrator completes the AR within fifteen (15) business days from the date of assignment by the IRT. Upon completion, the site administrator must submit the Administrative Review Investigative Report, along with all supporting documentation, to the Region/District Office and, following its review, to OPS.

CIVILIAN INVESTIGATIVE UNIT

The Civilian Investigative Unit (CIU) investigates non-criminal incidents of misconduct made against M-DCPS personnel as assigned by the IRT. Prior to speaking with students, the CIU investigator shall obtain parental consent for student interviews. Absent unusual circumstances, including but not limited to illness/absence of an individual involved in the investigative process; emergency closure of schools; unavailability of union representation, CIU forwards a completed investigative report, including a determination of Probable Cause, No Probable Cause or Unfounded, to OPS within forty-five (45) business days from date of assignment by the IRT.

GENERAL INVESTIGATIVE UNIT

The General Investigative Unit (GIU) investigates incidents that may involve criminal conduct, as well as all allegations of a sexual nature between an employee and student, as assigned by the IRT. Absent unusual circumstances, including but not limited to illness/absence of an individual involved in the investigative process; emergency closure of schools; unavailability of union representation, GIU forwards a completed investigative report, including a determination of Probable Cause, No Probable Cause or Unfounded, to OPS within forty-five (45) business days from date of assignment by the IRT, not to include any criminal portion of an investigation and clearing by the Miami-Dade State Attorney's Office.

CIVIL RIGHTS COMPLIANCE

The Office of Civil Rights Compliance (CRC) investigates complaints of discrimination, harassment and/or retaliation in employment or educational activities filed by employees, students, parents, and applicants. The complaints

filed must be based on one or more of the protected categories, as defined by federal law, state statutes, School Board Policies or local ordinances. The applicable laws and protected categories can be found under School Board Policies 1362, 3362, 4362, and 5517, Anti-Discrimination/Harassment, or on the Office of Civil Rights Compliance complaint forms <http://forms.dadeschools.net/webpdf/5148.pdf> (Employees/Applicants) or <http://forms.dadeschools.net/webpdf/5199.pdf> (Parents/Students).

If during the course of its investigation, CRC determines that discrimination, harassment and/or retaliation have not occurred, CRC may determine if any School Board Policies have been violated. If a finding of Probable Cause occurs, CRC forwards the completed investigative report, including the determination of Probable Cause, to OPS.

WHEN THE INVESTIGATION IS COMPLETED

At the conclusion of the investigation, the assigned investigative unit forwards the completed investigative report to OPS. The completed report contains a determination of No Probable Cause, Probable Cause or Unfounded.

NO PROBABLE CAUSE or UNFOUNDED DETERMINATION

If the final determination is No Probable Cause or Unfounded, the investigative unit transmits the investigative report to OPS. Upon receipt of the investigative findings, OPS transmits the report to the Region/District Office and to the worksite administrator within three (3) business days. The worksite administrator conducts a meeting with the employee to advise him/her of the outcome of the case, at which time, the employee is provided a copy of the entire investigative report and all supporting documents, except confidential information. The case is promptly **CLOSED** and no further administrative action is taken.

PROBABLE CAUSE DETERMINATION – *(No School Board Action Required)*

If probable cause is found for a minor offense which would not lead to a recommendation of suspension, demotion or dismissal, OPS submits the case to the worksite administrator to conduct a site disposition, which may include a letter of reprimand, directives and/or a review of applicable School Board Policies. After consulting with the Region or appropriate administrative office, the worksite administrator forwards the site disposition to OPS within ten (10) business days of receipt of the case.

PROBABLE CAUSE DETERMINATION – *(School Board Action Required)*

If Probable Cause is found for a serious offense that could lead to a recommendation of suspension, demotion or dismissal, OPS is responsible for conducting a Conference-for-the-Record (CFR). Upon receipt of the initial investigative findings, OPS provides a copy of the entire investigative report and all supporting documents, except confidential information, to the employee within three (3) business days of receipt of the report.

OPS allows the employee three (3) business days to file **ONE** written exception to the investigative report. The written exception, if filed, *must state with particularity* the reasons for the exception, which may include additional witnesses, evidence or information to be sought that, if obtained, would likely change the outcome of the investigation. OPS forwards the written exception to the assigned investigative unit for a determination as to whether the exception warrants a supplemental investigative report.

After the allotted time for filing a written exception has elapsed or after receiving a supplemental investigative report, OPS schedules and conducts a CFR. The worksite administrator, along with the Region/District Superintendent (or designee), is to be in attendance at the CFR. The CFR provides the employee with another opportunity to respond to the incident(s). The employee is entitled to union/association representation or two other representatives of the employee's choice. A summary of the CFR is prepared within five (5) business days and sent to the employee. OPS allows the employee three (3) business days from receipt of the summary to file an appendage, if he or she so desires.

DISCIPLINARY DETERMINATIONS

When the investigative unit determines Probable Cause, OPS recommends proposed disciplinary action. OPS schedules a Disciplinary Review Team (DRT) composed of the Deputy Superintendent for District/School Operations or designee, the Assistant Superintendent for the Office of Human Capital Management, Employee Support Services, the OPS Administrative Director, the responsible OPS District Director, a representative from the School Board Attorney's Office, a representative from Human Capital Management, and the appropriate Region/District Office representative and worksite administrator, to determine the proposed recommended disciplinary action. The addition of a representative from the School Board Attorney's Office to DRT is intended to help expedite the seventy-five (75) business day timeline for the disposition of cases.

Upon a final determination of the recommended disciplinary action, OPS provides written notice to the employee, the Region/District Office and the

worksite administrator. It is the responsibility of the worksite administrator to return the signed copy of the recommended disciplinary action to OPS within three (3) business days. If the employee refuses to sign (acknowledge receipt), two administrators must witness and indicate the employee's refusal to sign.

Within five (5) business days of the confirmation that the employee has received written notice of the proposed recommended disciplinary action, OPS schedules and conducts a meeting prior to Board action, unless waived by the employee.

SUPERINTENDENT'S REVIEW OF PROPOSED DISCIPLINARY ACTION

If the employee makes a timely request for the Superintendent or designee to review his/her case, the Superintendent's designee will submit and act upon a final determination for disciplinary action to OPS within the designated three (3) business days. OPS will notify the Region Administrative Director for Personnel/District Office Supervisor, worksite administrator and the employee of the final determination for disciplinary action, once the review has been completed.

OPS will wait three (3) business days from the date the letter of recommended disciplinary action was sent to the employee to ascertain if the employee will request a review by the Superintendent or designee, challenging the recommendation for disciplinary action.

SCHOOL BOARD ACTION

The School Board of Miami-Dade County, Florida, acts upon the recommended disciplinary determination at its regularly scheduled monthly meeting.

EMPLOYEE NOTICE OF FINAL DISTRICT ACTION

The Office of Professional Standards notifies the employee's supervisor (verbally) and employee (in writing) of final School Board action. The case is administratively **CLOSED**; however, the employee may request a hearing before an administrative law judge or arbitration, pursuant to the applicable labor contract.

GLOSSARY OF TERMS/ACRONYMS

Administrative Review (AR) – An investigative process to be conducted by the worksite administrator/designee when assigned by the **Incident Review Team (IRT)**.

Civil Rights Compliance (CRC) – The entity assigned to investigate complaints of discrimination, harassment and/or retaliation based on the protected categories listed in School Board Policies [1362](#), [3362](#), [4362](#) and [5517](#), filed by applicants, current employees, students and their parents. This is separate from the PIM process.

Civilian Investigative Unit (CIU) – The entity assigned to investigate serious non-criminal incidents of misconduct made against M-DCPS personnel.

Conference-for-the-Record (CFR) – A formal meeting held with an employee by a worksite administrator or the Office of Professional Standards to address performance and/or investigative findings (issues). A CFR is fact-finding in nature.

Disciplinary Action – Action(s) taken based on a final determination of probable cause. Such actions may include a written reprimand, suspension, demotion, or dismissal.

Disciplinary Review Team (DRT) – A group consisting of a representative from the Office of the Deputy Superintendent for District/School Operations, the Assistant Superintendent for the Office of Human Capital Management, Employee Support Services, the OPS Administrative Director, the responsible OPS District Director, a representative from the School Board Attorney's Office, a representative from Human Capital Management, and the appropriate Region/District Office representative and worksite administrator. This group meets to determine and recommend the most appropriate disciplinary action.

General Investigative Unit (GIU) – The investigative unit of MDSPD. This unit investigates alleged incidents which may lead to criminal charges.

Incident Reporting Form – The form completed by a site administrator when reporting an incident to MDSPD and emailed to pimreporting@dadeschools.net. The information contained therein will be utilized to determine which investigative unit will conduct the investigation.

Incident Review Team (IRT) – A group consisting of a representative from the Office of Civil Rights Compliance, the Civilian Investigative Unit, the General Investigative Unit, the Office of Professional Standards, the Office of Human

Capital Management, District/School Operations, and the School Board Attorney's Office. This group meets to review the alleged incidents and to determine and assign the most appropriate investigative unit.

Investigative Report – A written report, submitted by an investigative entity, detailing fact-finding conducted as a result of an alleged incident. The investigative report must conclude with a recommended finding of **Probable Cause, No Probable Cause or Unfounded**.

Investigative Unit – An agency of the school district charged with conducting investigations. Units include CIU, GIU and worksite administrators.

Miami-Dade Schools Police Department (MDSPD) – The official police agency of Miami-Dade County Public Schools.

No Probable Cause – The absence of probable cause.

Office of Professional Standards (OPS) – The office that directs employment actions to maintain and promote ethical performance standards in accordance with School Board policy, contractual stipulations, state statutes and federal laws.

Personnel Investigative Model (PIM) – The model for conducting investigations of incidents made against employees of M-DCPS.

Probable Cause – It is more likely than not that the alleged incident occurred.

School Police Automated Reporting (SPAR) – The system for tracking cases that are required to be reported to the Department of Education.

Site Disposition – A written record of actions taken by the worksite administrator to bring closure to a case, based on a finding of **Probable Cause, No Probable Cause or Unfounded** for an investigative issue.

Unfounded – A baseless, not based on fact or sound evidence, unsupported accusation.