Guideline/Procedure

Employee misconduct and investigation processes

Purpose

The purpose of this document is to outline the process to be used in managing employee misconduct.

It is important to note that:

1. The circumstances of each case will determine how the misconduct process will progress.
2. Actual sequences of steps may vary in individual cases depending on the nature of the issues.
3. An informal approach may be used as a first step to satisfactorily resolve issues.

Application

This guideline will be used by Principals (or a delegated member of the leadership team) and CES line managers in the management of employee misconduct.

Guideline or Procedure

Introduction

Misconduct processes usually commence with a formal written complaint, however they can also be initiated following a verbal complaint, anonymous correspondence or telephone contact or indirect complaints by a third party. Catholic Education Services is obligated to treat all complaints seriously.

The process is employer driven. Catholic Education Services does not require a complainant or the permission of a complainant to initiate a misconduct investigation.

In some cases the Executive Director, in consultation with the Manager Professional Standards or the Manager Human Resource Administration, may determine that a misconduct investigation is not appropriate. In such cases the Executive Director may consider other methods of resolution including but not limited to mediation, Special Case review, or a workplace employee survey.

Our employees are obligated by their employment contract to behave appropriately in the course of their employment. They are bound by all relevant Australian laws pertaining to education and the workplace, professional standards and Catholic Education Services and schools’ policies, directives, procedures and guidelines.

The Statement of Principles for Employment in Catholic Education and the Code of Conduct for Employees of Catholic Education, Diocese of Cairns define appropriate conduct for employees.

All employees are also obliged to:

- Serve Catholic Education faithfully;
- Maintain confidentiality;
- Take reasonable care in their work;
- Cooperate with Principal/Manager as far as it is reasonable to do so; and
- Obey all reasonable instructions.
In addition our employees have formally undertaken to support the values and teachings of the Church and are required to conduct themselves in a manner which aligns with these values and teachings.

**Definitions**

**Definition: Misconduct**
Misconduct is willful or deliberate behaviour by employees that is inconsistent with employees’ obligations as outlined in their contract of employment and/or organisational policies, and may lead to disciplinary action. Examples of misconduct may include but are not limited to:
- Leaving a class unattended;
- Leaving school without permission;
- Failure to carry out reasonable instructions;
- Breach of statutory obligations such as occupation health and safety laws;
- Inappropriate language; and
- Harassment of a co-worker.

Misconduct is not behaviour or conduct that amounts to failure to perform the job properly.

**Definition: Serious or Gross Misconduct**
Serious (gross) misconduct is misconduct that is so serious that the employment contract cannot continue. Examples of serious/gross misconduct may include but are not limited to:
- Theft;
- Fraud;
- Dishonesty;
- Assault;
- Drunkenness or drug taking;
- Breach of statutory obligations such as occupation health and safety laws;
- Obscenity;
- Sexual harassment; and
- Gross disobedience (deliberate failure or refusal to follow a reasonable and lawful instruction).

Employees can be disciplined for misconduct outside the workplace or working hours if their behaviour is inconsistent with their obligations as an employee of Catholic Education, Diocese of Cairns.

**Suspending the Respondent During a Misconduct Investigation**
The Executive Director, in consultation with the Manager Professional Standards, determines whether the respondent employee is suspended during the investigation according to, but not limited to the following reasons:
- Seriousness of the alleged misconduct;
- Likelihood of the employee interfering with the investigation;
- Potential of employee’s presence in the workplace causing harm to other employees, students or Catholic Education.

While on suspension the employee will be directed to have no contact with staff or students of Catholic Education.

**Staff Levels of Responsibility for Managing Misconduct Process**
These guidelines identify staff positions responsible for the management of misconduct processes. Where the staff member may be directly involved in the alleged misconduct or where there may be a conflict of interest, the responsibility for the management of the process will defer to the next higher organizational level.

The Diocesan Professional Standards Unit will only be involved in any misconduct process at the direction of the Executive Director.
A summary of staff responsibilities is provided in Attachment 1 and a flow chart for Principals for managing school-based misconduct is provided in Attachment 2.

Levels of Misconduct

Allegations of employee misconduct will fall into one of the following categories:

1. **LEVEL 1: INAPPROPRIATE BEHAVIOUR/MISCONDUCT**
   - Examples of Level 1 misconduct would include leaving school early without permission, inappropriate language and failure to carry out reasonable instructions.
   - Matter managed at Principal/line manager level with advice on process available from the relevant CES Director School Development or ELT member.
     - Seriousness of the alleged misconduct is viewed as low level;
     - Matter able to be addressed at school level;
     - Facts are clear and there is sufficient evidence of the employee’s wrong doing without the need for an investigation;
     - There is an admission by the employee concerned to the subject behaviour; or
     - If the allegation(s) is/are proven, disciplinary response may include but is not limited to a verbal warning or a written warning signed by the Principal/line manager and filed at school and/or counselling.

2. **LEVEL 2: MISCONDUCT**
   - Examples of Level 2 misconduct include leaving a class unattended and harassment of a co-worker.
   - Matter managed by the Principal/line manager in conjunction with the Director School Development (for schools) or the relevant member of the Executive Leadership Team (for CES) the DSD or the ELT member will advise the CES Executive Director. The Manager Human Resource Administration may provide advice on process. Depending on the nature of the misconduct and/or the level of organisational risk the Executive Director may approve the involvement of the Manager Professional Standards to provide advice on the process. If the Executive Director is the decision maker regarding possible termination of employment, limited details should be provided to the Executive Director at this point.
     - Seriousness of alleged misconduct is viewed as medium level;
     - Matter to be addressed at school/CES work team level;
     - An investigation, conducted under the direction of the DES (school) or ELT member (CES), is required if facts are not clear and/or there is insufficient evidence of the employee’s wrongdoing;
     - The employee may be directed to leave the workplace and not perform their usual duties (suspended) while the matter is being investigated;
     - The employee will be directed not to discuss the matter with other staff or potential witnesses until the matter is finalised. Breach of this direction could result in separate disciplinary action; or
     - If the allegation/s is/are proven disciplinary response may include but is not limited to a written warning signed by Executive Director and filed in Personnel file.

3. **LEVEL 3: SERIOUS/GROSS MISCONDUCT**
   - Examples of Level 3 misconduct include theft, fraud, dishonesty, assault, drunkenness or drug taking, breach of statutory obligations such as occupation health and safety laws, obscenity, sexual harassment and gross disobedience.
   - Executive Director directs that the matter is managed by Diocesan Professional Standards Unit (PSU) with/without an external investigator.
     - Seriousness of the alleged conduct is such high level that the employee’s continuing employment may be at risk if the allegation/s are proven;
     - Engagement of the PSU will be at the direction of the CES Executive Director on his/her own behalf, or on the recommendation of either a Principal, Director School Development, or member of the CES Executive Leadership Team ;
     - An investigation, conducted by the PSU or by external investigators, is required as facts are not clear and/or there is insufficient evidence of the employee’s wrongdoing;
The employee may be directed to leave the workplace and not perform their usual duties (suspended) while the matter is being investigated;

The employee will be directed not to discuss the matter with other staff or potential witnesses until the matter is finalised. Breach of this direction could result in separate disciplinary action; or

If the allegation is proven disciplinary response may include but is not limited to termination of the employee’s employment contract with Catholic Education Services.

Appointing an Investigator

For level 2 and 3 misconduct, the Manager Professional Standards, in consultation with Executive Director, may appoint an investigator who is independent and has the necessary skills to conduct the investigation. The investigator may be internal or external to Catholic Education Services depending on the circumstances of the allegations/complaint.

Generally, an internal investigator will be appointed for workplace investigations involving Level 2 Misconduct and an external investigator will be appointed for workplace investigations involving Level 3 Misconduct.

It is essential the person conducting the investigation is impartial and independent and perceived as impartial and independent. An investigator must not have any association with any of the investigation participants that could be construed as a conflict of interest, or be a witness to any of the alleged behaviour.

An external investigator is preferred if:
- The complaint involves senior or executive staff and board level involvement;
- There is a potential that an investigation process will be challenged on the basis of impartiality if an internal investigator is used;
- The matter is complex; or
- The allegations are so serious that if proven the employee’s employment contract may be in jeopardy.

Additional guidelines for the conduct of internal and external investigators are provided in Attachment 3.

Guidelines

It is important to note that:
- The circumstances of each case will determine how the misconduct process will progress; and
- Actual sequences of steps may vary in individual cases depending on the nature of the issues.

Guidelines for Managing Level 1 Misconduct

(Managed at school/local level)

1. VERIFY THE FACTS
   - Establish whether there is sufficient evidence of an employee’s suspected wrongdoing;
   - Identify reporting obligations under Catholic Education Services Student Protection reporting Processes and Procedures (as appropriate);
   - Seek advice from the relevant Director School Development or the Manager Human Resource Administration as appropriate.

2. SPECIFY THE ALLEGATIONS OF MISCONDUCT AND COMMUNICATE TO THE EMPLOYEE
   - Provide the employee with a letter that includes the following content:
     - Informing them of the allegations with as much specific information as possible to enable them to understand and respond to the allegations;
     - Directing them to attend a meeting, providing them with at least 24 hours’ notice;
     - Identifying the purpose of the meeting;
     - Informing them of their right to have a support person present at the meeting; and
     - Informing them of their right to access counselling through Employee Assistance Program.

A direction to attend a meeting is reasonable and lawful. Employees are required, as a contractual
obligation, to follow reasonable and lawful instructions.

3. **MEET WITH THE EMPLOYEE SO THE ALLEGATIONS CAN BE DISCUSSED**
   
   **Introduction** – Advise the employee that:
   
   - The meeting forms part of the Employee Misconduct Processes Guideline/Procedure;
   - Confirm that the employee has received a copy of Employee Misconduct Processes Guideline/Procedure;
   - Matter to be discussed is confidential;
   - Failure to maintain confidentiality may result in further misconduct processes;
   - The matter is considered to be a level 1 matter in accordance Employee Misconduct Processes Guideline/Procedure and as such will be addressed at the local level; and
   - Notes of the meeting will be taken and a subsequent letter provided to the employee.

   **Conduct Issue**
   
   - Outline issues/allegations associated with the employee’s conduct as detailed in letter directing employee to attend the meeting; and
   - Seek confirmation that the employee understands the allegations/issues and provide additional information as appropriate.

   **Employee Response**
   
   - Provide the employee with an opportunity to respond to the issues/allegations. The employee may prefer to respond in writing, in which case a subsequent meeting may be scheduled, depending on the written response provided; and
   - Provide opportunity for the employee to share underlying/contextual factors which may have contributed to the issues/allegations.

   **EXPECTATIONS IDENTIFIED**
   
   - Identify appropriate policy/clauses in policy which the issue/allegation contravenes; and
   - Clearly identify expectations of future conduct.

   **SUPPORT IDENTIFIED**
   
   - Identify support processes available to the employee to assist them as required.

4. **FOLLOW UP**
   
   - A letter will be provided to the employee that summarises the meeting and its outcomes; and
   - The employee has the right to suggest amendments to the meeting summary and the details of the differences retained on the employee’s file.

5. **OUTCOME**
   
   - If there is no further examples of the issue/conduct by the employee the matter is closed; and
   - If the employee’s conduct does not improve satisfactorily, the employer will require the employee to attend a meeting and given an opportunity to respond.

6. **DISCIPLINARY MEETING**
   
   - Disciplinary meetings are considered serious in that the outcome may place the employee’s status as an employee of Catholic Education Services, Diocese of Cairns, in jeopardy; and
   - Disciplinary meetings can ONLY be conducted in conjunction with Manager Professional Standards and/or Executive Director.

7. **DOCUMENTATION**
   
   All documentation associated with the Level 1 Inappropriate Behaviour/Misconduct Process is to be filed at the school and should include:
   
   - Any correspondence to or from the employee; and
   - Meeting notes for all meetings.
Guidelines for Managing Level 2 Misconduct and Level 3 Serious/Gross Misconduct

1. RECEIVING THE COMPLAINT/ALLEGATIONS
   - Principal/manager assesses complaint/allegations with reference to Levels of Misconduct.
   - Principal/manager seeks advice from Director School Development or ELT member for Level 2 matters, or through them to the Executive Director for Level 3 matters.

2. COMPLAINT REFERRED TO DIRECTOR SCHOOL DEVELOPMENT OR ELT MEMBER
   - Principal/manager refers any complaint/allegation which if proven may put at risk the employee’s continuing employment and meets the criteria of Level 2 and/or Level 3 misconduct immediately to the Director School Development (for schools) or the relevant ELT member (for CES), who will in turn brief the CES Executive Director regarding the engagement of the Professional Standards Unit;
   - Manager Professional Standards, in consultation with Executive Director, determines whether an investigation is required in accordance with, but not limited to, the following reasons:
     - Allegations have been made of a breach of Statement of Principles for Employment in a Catholic School, Catholic Education Services Code of Conduct, any other workplace policy or laws;
     - There is a need to collect evidence objectively to determine whether there is factual basis for suspected or alleged wrong-doing;
     - To resolve a workplace grievance or complaint in a manner which is procedurally fair;
     - Factual information is required so that a sound and unbiased decision can be made about the consequences for the employees involved in the allegations/complaint.
   - Executive Director, in consultation with Manager Professional Standards, determines whether the respondent employee is suspended during the investigation according to, but not limited to the following reasons:
     - The alleged misconduct is serious;
     - The employee is likely to interfere with the investigation;
     - The employee’s presence in the workplace may cause harm to other employees, students or Catholic Education.

3. INVESTIGATOR APPOINTED
   Manager Professional Standards, in consultation with Executive Director, appoints an investigator who is independent and has the necessary skills to conduct the investigation. The investigator may be internal or external to Catholic Education Services depending on the circumstances of the allegations/complaint. (See additional guidelines in Attachment 3)

4. INVESTIGATION CONDUCTED
   - The investigation will be conducted in accordance with Catholic Education Services Procedures for Workplace Investigations ensuring:
     - Complainant and respondent have every opportunity to be heard;
     - Allegations are investigated without bias, so that procedurally fair findings of fact and decisions can be made;
     - Compliance with relevant policies and procedures; and
     - Compliance with relevant law as relating to defamation, information privacy, contractual obligations, discrimination, Fair Work Act, occupational health and safety and the duty to report any offences.
   - An investigation report will be provided to Executive Director.

5. OUTCOME
   On receipt of the report the Executive Director will determine whether on the balance of probabilities there is substance (or lack thereof) to the allegations/complaint as follows:
   - Allegations not substantiated – matter is finalized with the possibility of other actions such as
mediation; and
- Allegations are substantiated – proceed to offering the employee an opportunity to respond.

6. OPPORTUNITY TO RESPOND
The employee may be issued with a letter asking why the employment relationship should not be terminated. The letter will highlight the concerns of the employer as to why the employee’s employment is currently being considered for termination. The employee will have an opportunity to respond in writing. A subsequent meeting will be arranged to discuss the matters raised in the letter in the context of any written response. A meeting to discuss this response can ONLY be conducted in conjunction with the relevant Executive Leadership Team member or the Executive Director.

7. REVIEW
An employee who is the subject of a misconduct investigation and who believes the process has not been carried out in accordance with these guidelines and/or the principles of natural justice, may seek a review of the process by the Diocesan Professional Standards Unit. This review should be requested in writing to the CES Executive Director. This request should outline the employee’s concerns about the process.

Enquiries
Directors, School Development
Catholic Education Services Executive Leadership Team members
Manager Human Resource Administration
Manager, Professional Standards

Reflection

See also (Related Policies and Guidelines)
1. Statement of Principles for Employment in Catholic Education;
2. Code of Conduct for Employees of Catholic Education, Diocese of Cairns;
3. Guideline: Employee unsatisfactory performance process; or
**Staff responsibilities in managing employee misconduct processes:**

<table>
<thead>
<tr>
<th>Misconduct Level</th>
<th>Process manager</th>
<th>Who is consulted and provides advice</th>
<th>Who is advised</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Principal or delegate (school based) Line manager (CES based)</td>
<td>DSD (school based) ELT member (CES based) Manager HR Admin</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Principal in conjunction with DSD (school based) Line manager in conjunction with ELT member (CES based)</td>
<td>Manager HR Admin Manager Prof Stds (at direction of Executive Director)</td>
<td>Executive Director</td>
</tr>
</tbody>
</table>
| 3                | Executive Director authorises:  
  - Manager Prof Stds in conjunction with DSD (school based)  
  - Manager Prof Stds in conjunction with ELT member (CES based) | Principal (school based) Line manager (CES based) Manager HR Admin | Executive Director |
## ATTACHMENT 2

### Principal Communication Process for Misconduct Matters

<table>
<thead>
<tr>
<th>Notification</th>
<th>Discernment and Consultation</th>
<th>Management Processes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal/line manager notified of staff member who has allegedly behaved in a manner that would be deemed as misconduct.</td>
<td>Refer to CES Employee Unsatisfactory Performance Guide/Procedure</td>
<td>Depending on local context and seriousness of alleged misconduct Principal delegates to appropriate line manager and/or consults with DSD to refer matter or manage it at the local level.</td>
</tr>
</tbody>
</table>

#### Consult Director of School Development (DSD)
- DSD (Primary)
- DSD (Primary)
- DSD (Secondary)

#### DSD liaises with HR Manager and/or Manager Professional Standards (at the direction of the CES Executive Director)

#### Manager HR Administration

#### Manager Diocesan Professional Standards Unit

In the first instance Principals are advised to consult their DSD, when seeking to manage a staff performance matter.

#### Important questions:
- Has the staff member signed a CES employment contract?
- Has the staff member had a formal induction?
- Has the staff member completed CES Code of Conduct training?
- Has the staff member completed CES training in Diversity and Equality?
- Are there any mitigating health, personal hardship, and/or carer responsibility factors?
- Have judgements been made on the basis of hearsay, eye-witness testimony, anecdotal evidence and/or factual information?
- Have details been documented?
- Has the staff member been offered EAP?
- Have steps to resolve the matter been based on the principles of Natural Justice?
- Have proper investigative processes been followed?

#### Level 1
- Level 1 refers to low level misconduct which is appropriately addressed at the local level by the Principal and/or line manager. Information gathering may occur at this level.

#### Level 2
- Level 2 refers to medium level misconduct which is appropriately addressed at the local level by Principal and/or line manager in conjunction with the DSD. Local investigation may occur at this level.

#### Level 3
- Level 3 refers to high level misconduct which is referred to the Manager of Diocesan Professional Standards by the Principal in consultation with the DSD.

#### Level 3 – External Investigation
- A Level 3 referral may require an external investigation organised by CES.

#### Outcome
- Depending on the local context and severity of the matter the disciplinary outcomes will vary accordingly.
ATTACHMENT 3

Additional guidelines for internal and external investigators:

Rules and laws governing investigations

All investigations will be conducted in a manner to ensure:

- Complainant and respondent have every opportunity to be heard;
- Allegations are investigated without bias, so that procedurally fair findings of fact and decisions can be made;
- Compliance with relevant policies and procedures; and
- Compliance with relevant law as relating to defamation, information privacy, contractual obligations, discrimination, Fair Work Act, occupational health and safety and the duty to report any offences.

Catholic Education Services may on occasion wish to invoke legal professional privilege in regards to an investigation report. In these cases, the Executive Director will authorise the involvement of Catholic Education Services legal representatives prior to or in conjunction with the appointment of the investigator.

Scope of the investigation – Terms of Reference

On appointment, the investigator will meet with Manager Professional Standards and/or Executive Director to:

- Discuss the scope of the investigation;
- Be provided with Terms of Reference for investigation;
- Be provided with relevant policies including but not limited to these procedures, Managing Employee Misconduct guidelines, Code of Conduct, Statement of Principles for Employment in Catholic Schools;
- Clarify expectations in terms of timelines, reporting; and
- Clarify logistical arrangements such as accommodation, travel, administrative support.

Terms of Reference will include:

- Specific allegations with enough detail to enable a factual investigation (facts that can be proven or not proven). Allegations will be drafted to include detail such as name of complainant, date and description of alleged behaviour, witnesses, location;
- Scope of investigation – facts only or facts and whether the facts constitute a breach of workplace policy;
- Timelines for investigation;
- Delegations of investigator; and
- Report requirements.

In some cases, the complaint information provided by the complainant is not suitable to launch an investigation because the allegations are non-specific. In these cases the investigator may be asked to assist the complainant to state the specific alleged events which comprise their complaint.

Code of practice for investigations

Catholic Education Services requires investigators to:

1. Identify potential bias and conflict of interest;
2. Treat all participants fairly and consistently and maintain a professional, ‘arm’s length’ relationship;
3. Ensure procedural fairness is strictly applied throughout the investigation;
4. Adhere to a sound investigation process;
5. Document all steps taken in an appropriate manner;
6. Avoid pursuing irrelevant background information, such as previous behaviour of the respondent or complainant;
7. Managing the people involved in the investigation process including effective and sensitive management of emotions, accommodating to special needs such as language barriers, illness; not allowing ‘off the record’ conversations;
8. Operate within the limits of delegations articulated within Terms of Reference;
9. Comply with Catholic Education Services policies and procedures; and
10. Ensure confidentiality.

Procedures for conducting the investigation

Principles for conducting an investigation

- **Support for Participants:** Being involved in a workplace investigation can be very stressful. Investigators can support participants by:
  - Providing clear explanations as to the process;
  - Explaining confidentiality;
  - Enabling all participants to have a support person; and
  - Offering EAP to all participants.

- **Recording the Interview:** Investigators may record interviews in handwriting, on a computer or by audio-recording. Interview records by paper or computer must be provided to the interviewee with an opportunity to add, amend notes. Interview records are then to be signed and dated by the interviewee.

- **Confidentiality:** All participants are required to agree to maintain confidentiality. Confidentiality means that participants should not speak about the investigation to other staff, including other witnesses involved in the matter. Exceptions to the confidentiality rule are the Manager Professional Standards, support person, or union or legal representative. The investigator must also maintain confidentiality. Information disclosed to participants in the investigation process should only be what is necessary to carry out the investigation and may include the fact that the investigation is being conducted and the identity of the complainant and respondent.

- **Anonymity:** Requests for anonymity will not usually be granted as such requests could breach the principles of natural justice. In most cases, the disclosure of the identity of the complainant, respondent and witnesses is necessary to enable the respondent to respond to allegations.

- **Failure to Respond:** If an interviewee attends an interview and refuses to participate, the investigator will either, cease the interview, continue asking other questions and/or explain the purpose of the interview and the importance of the person’s viewpoint. The investigator cannot force witnesses to cooperate. Any such cases are to be referred to the Manager Professional Standards for consideration as to whether the employee will be directed to participate to respond.

- **Refusal to Participate:** Witnesses may refuse to participate in an investigation. The investigator cannot force a witness to be involved. Any such cases are to be referred to the Manager Professional Standards for consideration as to whether the employee will be directed to participate in the investigation.

- **Health and Safety of Participants:** The investigator is required to identify any risks to health and safety of employees involved in an investigation process. All steps should be taken by the investigator to ensure that a participant is fit and able to participate in an interview. Employees on Sick Leave should not be interviewed without a medical clearance.

- **Emergence of Additional Allegations:** Additional allegations which arise during the investigation process are to be referred to the Manager Professional Standards. In most cases these allegations will be kept separate from the ongoing investigation and investigated at a later date.

Procedural steps in the conduct of an investigation

1. **CONFIRM THE SCOPE OF THE INVESTIGATION AND ALLEGATIONS**
   Terms of Reference should provide all necessary information. The Manager Professional Standards will assist with any queries throughout the investigation process.

2. **GATHER ALL RELEVANT DOCUMENTARY EVIDENCE**
   Prior to conducting interviews the investigator should collect and read all available information including:
   - Complaint;
3. MEET WITH THE COMPLAINANT
(The respondent may be interviewed after the witnesses, where deemed appropriate. This will be determined by the complaint evidence.)

4. MEET WITH THE RESPONDENT

5. IDENTIFY AND MEET WITH ANY RELEVANT WITNESSES

6. GATHER ANY OTHER DOCUMENTARY EVIDENCE AVAILABLE

7. PROVIDE CONTRADICTORY EVIDENCE TO PARTIES FOR COMMENT AND RESPONSE

8. CONDUCT ANY FURTHER INTERVIEWS

9. EVALUATE THE EVIDENCE
Once interviews have been concluded witness credibility is assessed and evidence evaluated. Consideration needs to be given to:
- Whose version of events makes the most sense;
- Whose version is corroborated by other evidence; and
- Integrity of the evidence collected.

10. DECIDE WHETHER ALLEGATIONS HAVE BEEN PROVEN ON THE BALANCE OF PROBABILITIES
For each allegation, using the balance of probabilities the investigator decides whether:
- The respondent has engaged in the alleged conduct;
- The respondent has not engaged in the alleged conduct;
- The respondent has engaged in the alleged conduct in part; and
- It is not possible to determine on the evidence available whether or not the respondent has engaged in the alleged conduct.

11. WRITE THE REPORT
Catholic Education Services requires the investigation report to be sufficiently detailed and comprehensive to enable decisions to be made in regards to the employee. The written report is required to include:
- Context of investigation;
- Process of investigation;
- Allegations investigated and evidence gathered;
- Analysis of evidence; and
- Relevant conclusions.