

The Wedge

A SIMPLE METAPHOR
TO IMPROVE
ALL YOUR RELATIONSHIPS AT WORK

How Intervention Makes a Difference

Could the John Doe claim and lawsuit have been prevented?

What type of EPL intervention could have been utilized?



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**Structure
DRIVES
Behavior**



Psychologically Safe Environment

Psychological safety nurtures an environment where people feel encouraged to share creative ideas without fear of personal judgment or stepping on toes. In this kind of environment, it feels safe to share feedback with others, including negative upward feedback to leaders about where improvements or changes are needed.



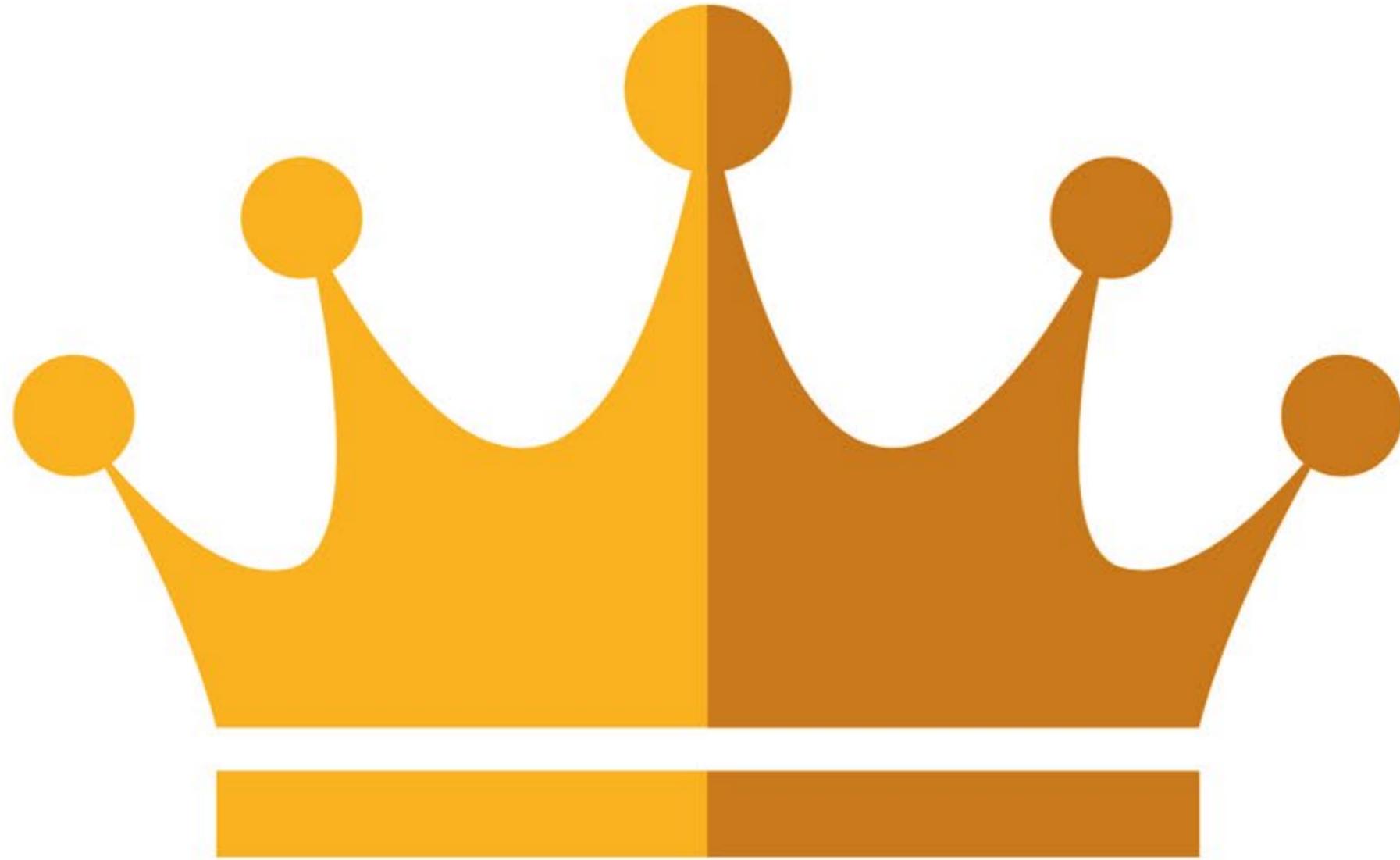
Paradigm

Our Lens to the World

There are 8 billion paradigms on Earth.

We all view the world through a set of assumptions, beliefs, and values that basically serve as a filter or lens for our life experience. How we respond or react to an event depends in large part on our lens to the world.





Who among us has been crowned
KING or QUEEN
of the Paradigm Universe?



Where We Begin



The First Conflict



One Wedge Leads to Another



Division Occurs



Hyper-Sensitive Radar



Negative Assumptions

Dissension
Worst Possible

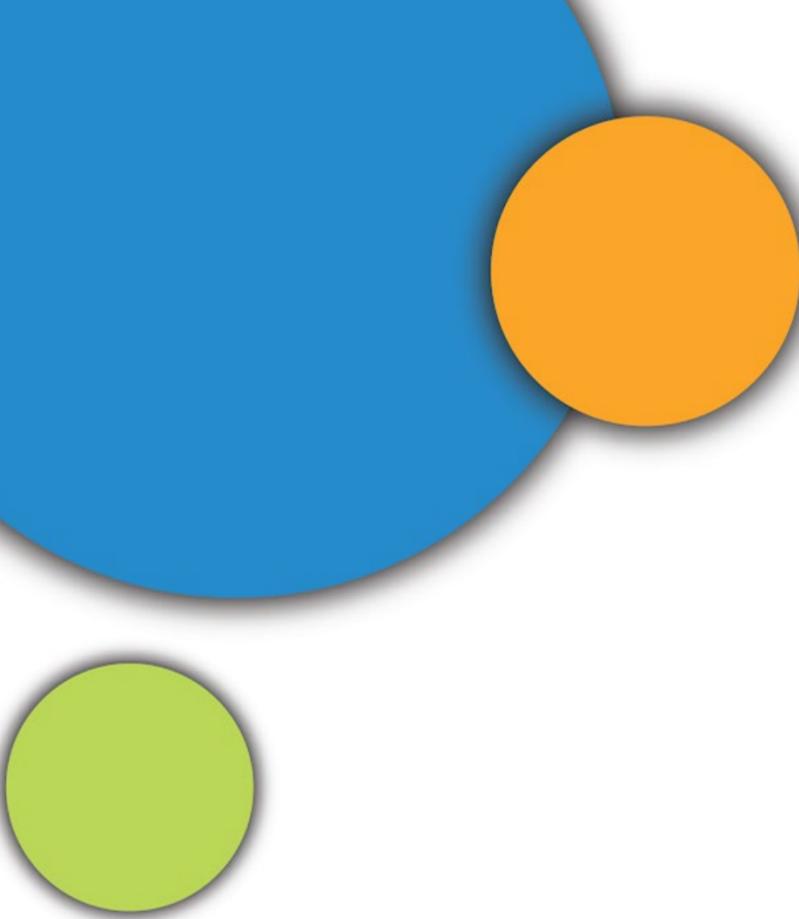
Light
Despair

Departure

What is the greatest obstacle to removing wedges?



Personal Pride



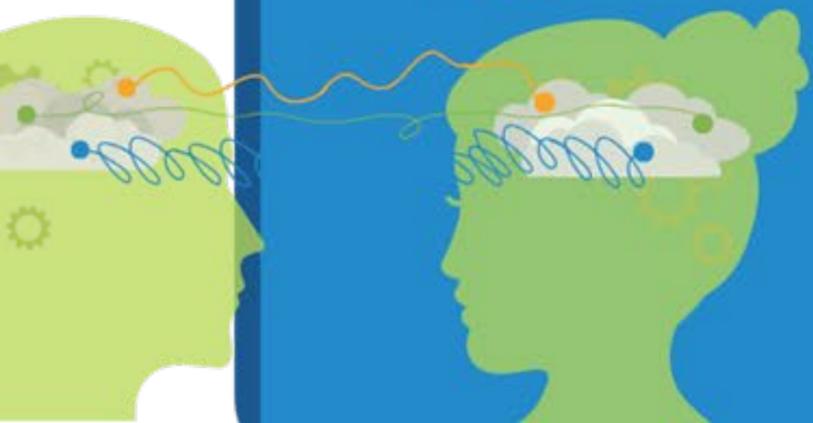
The single biggest
problem with
communication is
the illusion that it
has taken place.

George Bernard Shaw



The Mistake of the Masses

Once an argument or disagreement has occurred, so many of us make the monumental mistake of thinking that we will feel better when we prove we are right, and the other person is wrong. This leads to both sides digging in and all too often ugly, uncomfortable, and hurtful exchange follows.



Wedge Removal

REQUIRES PARADIGM RECOGNITION



There is an
expiration date on
blaming your
parents for your
current condition.

JK Rowling

Wedge Removal Formula

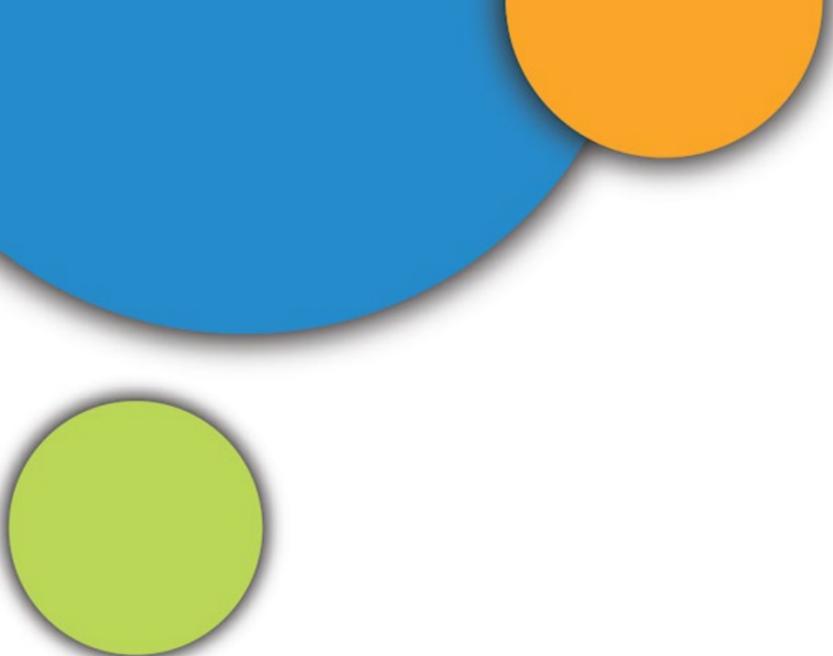
1. Listen with your paradigm down.

2. Provide a Closure Statement.

- a. Recognizing the feelings of the offended person
- b. Acknowledging the feelings of the offended person
- c. Validating the feelings of the offended person

3. Create a structure to avoid repeating the specific conflict.

4. Be forward looking.



An apology doesn't mean you're wrong. It simply means that you care more about the relationship than your ego.





**Structure
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QUESTIONS?

34th Street Consulting

Gerry Preciado

gerrypreciado@34thstreetconsulting.com

(916)205-2264



WORKPLACE INVESTIGATIONS

LESSONS LEARNED AND BEST PRACTICES

PRESENTED BY:

STAR LEAL, FOUNDING ATTORNEY, LEAL LAW GROUP, APC

Legal Disclaimer



Nothing in this session should be construed as legal advice or an offer of representation.

The presentation is not a substitute for independent professional judgment or legal advice concerning the law of a particular jurisdiction as applied to the full factual context of a unique situation or matter.





Investigation Best Practices

Prior to Investigations

1

Procedural Issues

2

Substantive Issues

3

Document, Document, Document!

Documenting every detail at all stages of an investigation is crucial to ensure accuracy, maintain transparency, and provide a reliable record for analysis, accountability, and future reference.



Prior to Investigations

Employee Evaluations

- Honest and clear evaluations provide a solid foundation for understanding past actions and decisions.
- Inaccurate evaluations can expose districts to significant risks, including potential wrongful termination or discrimination lawsuits.

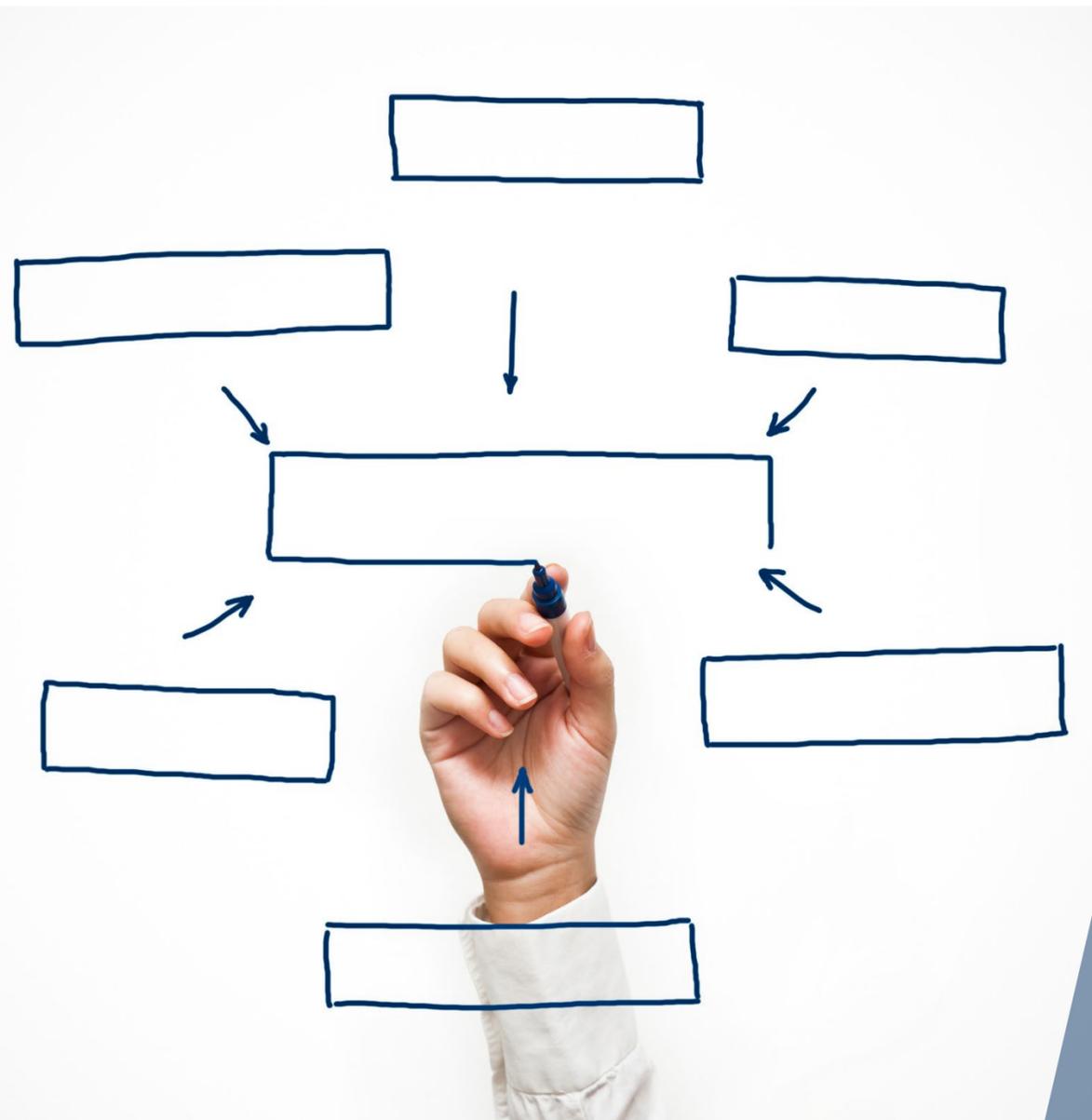


Prior to Investigations

Training Internal Investigators

- Set your administrators or other internal investigators up for success by ensuring they are properly trained to conduct comprehensive, neutral, and thorough investigations.
- Remember that if a complaint leads to a lawsuit, it is very possible that the internal investigator will be subpoenaed to testify about their investigation and why they did or did not substantiate the allegations.
- Consider bias!





Procedural Issues

Determine Applicable Board Policies and Administrative Regulations

- Student Complaints
- Employee Complaints
- Title V
- Title IX

Procedural Issues

Reporting to Law Enforcement and/or CPS

- Duty to report is triggered when a mandated reporter, in their professional capacity or within the scope of their employment, has knowledge of or observes a child whom the reporter knows or reasonably suspects is the victim of abuse or neglect.
- For the purposes of this article, 'reasonable suspicion' means that it is objectively reasonable for a person to entertain a suspicion based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on their training and experience, to suspect child abuse or neglect. 'Reasonable suspicion' does not require certainty that child abuse or neglect has occurred, nor does it require a specific medical indication of child abuse or neglect; any 'reasonable suspicion' is sufficient. For the purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

Penal Code §§ 11166; 11165.7



Procedural Issues

Reporting to Law Enforcement and/or CPS (continued)

A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars (\$1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals the mandated reporter's failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.



Working with Law Enforcement

- Depending on your relationship with local law enforcement, it is sometimes possible to conduct investigations together.
- It can be highly retriggering for victims - especially children - to have to answer the same questions for law enforcement and then the District's investigator.



Substantive Issues

- Trauma-informed interviewing is a victim-centered approach that considers how trauma can impact a person's ability to recall events.
- Be mindful of the details: interview location, where you sit, how you dress.
- Explain at the beginning of the interview that witnesses may take breaks, as needed. Be clear about recording policy.
- Explain non-retaliation policy.
- If a child is involved, offer fidgets or code words to take breaks.

Trauma-Informed Interviewing



Substantive Issues

Interview Questions

- Prepare questions ahead of time as an outline, not a script.
- Do not provide the parties with questions in advance of the interview.
 - “In order to maintain the integrity of the investigation, no parties or witnesses are provided questions in advance of their interview. However, you are welcome to submit evidence or additional information following your interview.”
- As uncomfortable as it may be, investigators *must* ask direct questions.





Substantive Issues

Writing Reports

- As redundant as it may seem, be sure to make it clear when something is an undisputed fact as opposed to something a witness says or claims.
- “Sally said _____. Sally continued by explaining that _____.”



Substantive Issues

Taking Notes on Issues Other Than Witness Statements

- This is crucial when preparing credibility analyses and explaining the reasoning behind findings.

Breaks to caucus

Sudden shift in demeanor

Long pauses or failing to provide direct responses



Substantive Issues

Writing Reports

I.

Introduction, background information,
and applicable BPs and ARs

II.

Clearly list the allegations in the
beginning

III.

List witnesses and exhibits

IV.

Witness Summaries

V.

Analysis and Findings

Don't Leave Out Your Analysis!

1

Summarize

Assume some readers will jump straight to the findings, so prepare a background summary.

3

Cite to exhibits

If they are being included, it should be because they are relevant and are being relied upon.

2

Explain all sides

What did the complainant, witnesses, and respondent claim?

4

Issue Findings

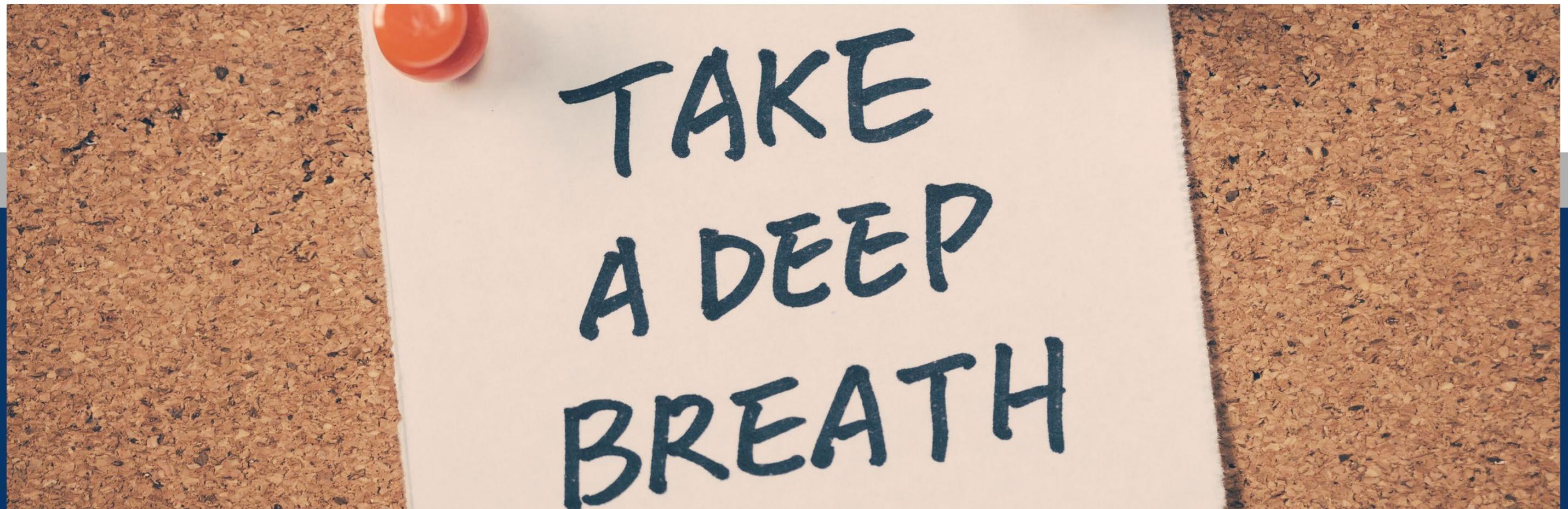
Sustained, sustained in part, or not sustained.



The Report is Done. Now what?

Review your Board Policies and consult with legal as to what will be provided to the parties. Unfortunately, the process is nowhere near done.

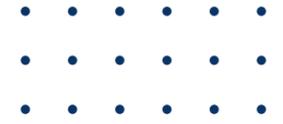
Written decisions come next.





Sometimes appeals are inevitable, but that's why we prepare thorough investigation reports.





Thorough investigation reports are also highly useful in the event a party files a complaint with a government agency.

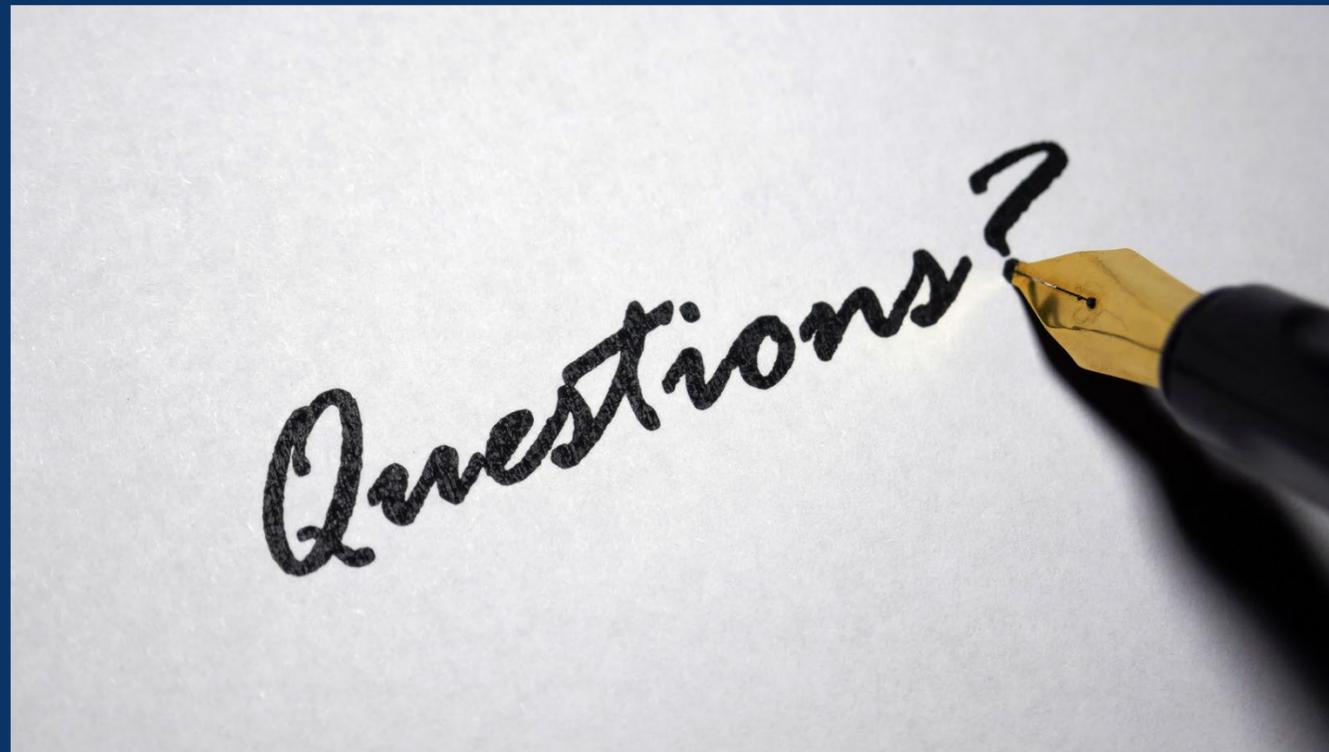


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Thank you!





Thank You for Being
Part of Our Story!

