

4. Challenges and Guideposts for Documentation

The Ten Commandments of Documentation

1. Documentation affects people in powerful ways.

- It is a statement that stands alone and speaks independent of the administrator.
- “Spoken words are easily forgotten.”¹

2. Documentation is written for three parties.

- The supportive party
- The adversarial party
- The neutral party.
 - This can be a school board, an arbitrator, or a judge—someone who will consider your documentation and render a decision.
- Provide documentation to only those who need to know. Employees have the right to a confidential process.

3. Conference first, write second.²

- Documents are best written in the first person.
- Conferencing first allows you to gather the facts and a possible explanation for the behavior.
- Be clear about the issue during the conference, the employee’s behavior, and stay on the issue, do not become sidetracked.

4. Establish the facts.

- It must be accurate, using observed behavior and/or artifacts.

5. Apply the facts

- Apply the facts to an expected standard of conduct.
- Conclusory statements, inflammatory language, and/or opinions not supported by the facts should be avoided.³

¹ Jeff Horner, *Fifteen Tips for Better Documentation of Employee Performance*, 146 Ed.Law Rep. 613, 614 (2000).

² “The cardinal rule of effective communication and documentation is to hold a conference first and write second.” KELLY FRELS, JANET L. HORTON, LISA MCBRIDE, & ILYA FELDSHEROV, *A DOCUMENTATION SYSTEM FOR TEACHER IMPROVEMENT OR TERMINATION* (2nd ed.) 17 (2014).

³ *Id.*

6. Documentation must be objective.

- Use legal authority, such as school policies collective bargaining agreements, board policy, state statutes, and federal statutes when appropriate.

7. Documentation must be complete, but concise and clear.

- Review past observations, evaluations, and documentation to ascertain if the behavior in question is part of a pattern.
- Only use documentation that the employee has already access to and a chance to respond to.

8. Documentation must provide clear directions by coming to the point.

- Would the reasonable employee know what to do after reading the memorandum?
- We must be mindful of our natural tendency to be supportive, often overlooking and or minimizing inappropriate behaviors.
- Do not do the Bologna Sandwich technique.

9. Documentation must communicate expectations.

- What does the employee need to do or not do?
- Come to a conclusion.

10. Documentation must be fair.

- Employees deserve a fair process.
- A fair process, with fair laws, communicated and enforced in a fair manner are not only critical, they are part of due process.
- Expect fairness from everyone.