

Workplace Investigation 6-Step Process

Step One – Incident Report

Once a decision is made that an investigation may be necessary, it is important to document all of the initial information received from the reporter or reporting manager. To ensure consistency in the process, a template or automated process should be used to gather the following information. Once the information is recorded, it should not be changed. For defensibility, it is important that this step be a record of only the information obtained before the investigation begins.

- Names and contact information for reporter, victims, respondent, and any potential witnesses.
- Date, time and place where the incident(s) occurred.
- What prompted the complainant to come forward.
- If the victims have reason to fear for their safety.
- A summary of the incident(s) with as much detail as possible.

Step Two – Plan

In order to prove that your investigation process is consistent and unbiased, the EEOC and state fair employment agencies suggest having a written plan for each investigation prior to beginning interviews. The investigation plan should include the following information.

- The name and contact information of the primary investigator, interviewers and managers or note takers that will be present in the interviews.
- A list of people to be interviewed including the date, time and place of each interview.
- List of any evidence to be gathered, such as videos, emails, training verification, etc.
- Any additional notes pertinent to the investigation, such as the reason one interviewee is being interviewed offsite while others are not.

Step Three – Interview Notices

Interviewees should be notified in writing that there is an investigation taking place. In the case that an interviewee is told in person, a written notice should also be provided. Whether or not a signature of receipt is required is a company choice. Notices should include the following:

- Awareness of the role in the investigation (reporter, victim, respondent or witness).
- A statement of what to expect from the process and what is expected of the interviewee.
- Confidentiality clause.
- Retaliation clause.
- Date, time and place of scheduled interview.
- Who to contact in case of any conflict or concerns.

Step Four – Interviews

Interviews are a key element in any investigation. Again, it is important to prove your process is consistent and unbiased by using a standard core set of open-ended questions followed by more detailed and clarifying questions. There are many opinions and resources for determining your initial set of questions. All interviewers should be trained on what can and cannot be asked in an interview to reduce risk of liability.

A consistent credibility assessment should also be used during all interviews. A credibility assessment notes observances of mannerisms, communications, physical posture and cooperation in order to determine if each individual interviewee can be considered credible and therefore the information provided should be considered in the investigation outcome.



Step Five – Assessment

In order to properly assess the information and evidence collected in an investigation, it is important that the primary investigator is aware of any potential laws and policies that may pertain to the incident. Each interview should then be considered on its own, and then the investigation as a whole to

determine whether or not the investigation claim has or has not been substantiated. It is helpful to have an outlined process with the items to be considered for every investigation.

Step Six – Determination

If the claim being investigated is of a serious nature or could create liability for the company, this is a good stage in which to get advice from legal counsel. It is also suggested that a senior HR representative or company executive review the findings and corrective actions in order to ensure consistency across the entire organization. A final determination notice and appropriate disciplinary documents, if needed, should be provided to the reporter, victims and respondent to complete the investigation process.

After the Investigation

After the investigation is complete, all investigation documents should be gathered and retained in protected efiles or a locked file cabinet with limited access and separate from personnel files.

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