



Playbook

# Investigations Best Practices

How to Successfully Conduct a Workplace  
Investigation



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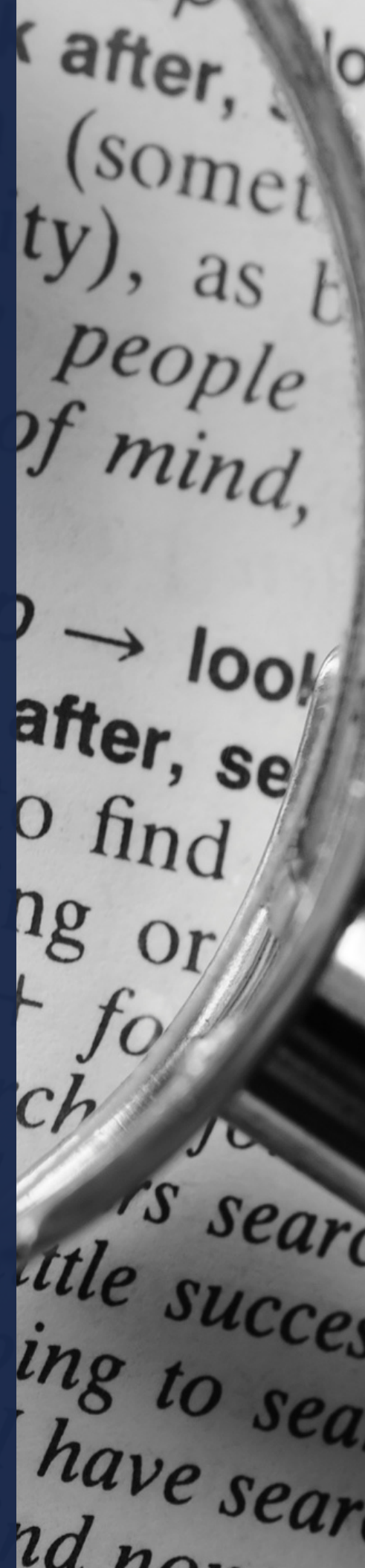
# Investigations

Workplace investigations are both crucial and complicated, requiring a number of different skills and processes from the investigator. It's important to know how to conduct an investigation properly and in a way that protects your employees' rights and ensures fairness for all parties involved.

If done correctly, investigations can uncover essential information, address issues and benefit the long term health and culture of your workplace. If done poorly, they can damage morale, reputation, and lead to legal damages. Fortunately, there are steps you can take and mistakes you can avoid when investigating any workplace incident.

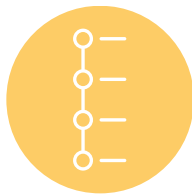
Establishing a thorough and thoughtful process for follow up will help make sure that all parties involved in an investigation feel respected and heard, and help to prevent any legal or HR issues from arising later down the road.

The following guide to effective workplace investigations will be made up of two parts: developing a thorough investigation process, and being mindful of potential mistakes to avoid.



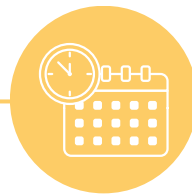
# Creating Your Investigation Process

The first rule for conducting an effective internal investigation is to have a pre-planned process in place. Planning provides structure and a process for handling the matter from start to finish. Here are six steps for planning your investigations, including defining roles, goals, and timelines.



## Create an investigation process timeline.

This process should be planned, standardized, and pre communicated. The amount of time needed for different types of investigations may vary, but having a rough outline in place will help to set expectations and comfort levels.



## Set up your investigation.

This includes clearing out a day's schedule for interviews, coordinating timing, securing an advocate if needed or requested, preparing and templating interview questions, methods for record keeping, and communications.



## Conduct all required interviews.

Interview the accuser, accused and any potential witnesses. Ideally, the main interviews should be conducted on the same day to keep the investigation fair and flowing as efficiently as possible.



## Review and analyze findings and evidence.

Review interview notes, recordings, evidence and any necessary resources such as employee handbooks. Create a proposed recommendations plan to present to senior leadership and legal or compliance departments as required.



## Present, propose and finalize.

Present recommendations to leadership and finalize steps forward. Develop a written summary for the employees involved in the investigation and prepare any supporting communications and materials (memos, performance plans, etc.).



## Wrap up and record.

Finish investigation by holding separate closure meetings with the accused and the accuser. Finalize and record all responses and follow up questions for your final investigation report and summary.

# Tips to Consider

## Tip 1

There may be a need to take immediate measures for the protection of the accuser or the alleged victim. Actions such as transfers, schedule changes, or leave of absence may be necessary.

## Tip 2

Complainants should not be involuntarily transferred, publicly communicated about their claim, or burdened in any way. These types of actions could appear to be retaliatory and result in a retaliation claim.

## Tip 3

Understand the purpose of your investigation. This will help you to focus the investigation, prepare relevant questions, remain unbiased, and make sure that you are not missing anything.

## Tip 4

Adhere to your company's investigation protocols. Before conducting any interviews, all relevant workplace investigation protocols must be identified and followed.

## Tip 5

Don't delay the investigation process. If an allegation is taken to court, the courts will evaluate the timeline of the workplace investigation and whether interviews were conducted in a timely manner. Timely interviews ensure accurate and detailed facts.

## Tip 6

Interview chronology matters. A general recommended order is interviewing the complainant, alleged harasser, witnesses and then the complainant again. But, every situation is unique and will need to be assessed relative to the act of misconduct.

## Tip 7

All parties involved in an investigation have a right to privacy and confidentiality. Do not overshare details regarding the incident. You can let your interviewee know that you may not be able to provide complete details to ensure confidentiality for all involved.

## Tip 8

Remember that a workplace investigation interview is a fact-finding exercise. The goal of the interview is to ask questions and listen well – not provide information or share opinions with an interviewee.