



How to Conduct Effective Investigations

Purpose of this Document

This handy guide is provided to assist you with the investigation process when dealing with HR claims and concerns. Included in this guide are the following:

- Tips for Conducting an Investigation
- Sample Interview Questions for Investigations
- Template for Employee Follow-Up Notice
- Template for Employee Notice of Investigative Results
- Summary of Investigation Template

If you have any questions or concerns, please feel free to contact us at:

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IMPORTANT NOTE: This is simply a guide, and **not a substitute** for legal counsel or professional HR advice. Our goal with this document is to give you a starting point in the event that you have a time-sensitive need to conduct an HR investigation, and we are unavailable (i.e. after hours). If at all possible, please connect with us or your employment attorney before taking any employment action.

Tips for Conducting an Effective Investigation

Prior to starting any investigation, be sure to keep in mind the importance of:

- Remaining unbiased and not jumping to conclusions
- Possessing strong interpersonal skills
- Paying attention to detail
- Being a strong interviewer who can get specific details and dig for the facts

1. Lead With Compassion and Empathy

- a. Employees who are involved in investigations are likely to be stressed, anxious, or upset. It is important to approach these situations with empathy, listen carefully to employees' concerns, and provide support and guidance throughout the investigation process.

2. Train Managers and Supervisors on How to Respond to HR Concerns and Claims

- a. Managers and supervisors should never look into these matters on their own, and they should be trained to bring complaints and concerns to Human Resources or Executive Management. Their role is simply to listen, take notes, and report to HR/Executive Management.

3. Attempt to Maintain Confidentiality

- a. While confidentiality should never be promised in investigations, and certain information may require disclosure in order to conduct a thorough investigation, employers and investigators should attempt to maintain the confidentiality of involved employees to the extent possible.

4. Establish Interim Protective Measures

- a. If there is a claim which may jeopardize an employee's safety (i.e. sexual harassment or abusive conduct), we recommend putting the alleged harasser on administrative leave while the investigation takes place. Whether this leave is paid or unpaid will be determined once the investigation is completed.

5. Create a Plan

- a. A good investigation plan should include:
 - i. Creating interview questions to elicit critical and specific information:
 1. Who?
 2. When?
 3. Where?
 4. What exactly happened and was said?
 - ii. Interviewing the individual expressing the concerns
 - iii. Interviewing the alleged harasser/accused individual
 - iv. Developing a list of witnesses, then interviewing each
 - v. Ensuring there is a proper documentation process

6. Conduct Interviews

- a. Once the investigation has been planned and preparation is complete, interviews should be conducted to gather specific information from any involved parties.
 - i. Who?
 - ii. When?
 - iii. Where?
 - iv. What exactly happened and was said?
 - v. Is there any documentation or corroborating evidence that can be provided (texts, emails, etc.)?
- b. Thorough notes should be taken and properly documented.
- c. Investigators must work to determine the credibility of individuals involved, gather specific objective facts (not opinions or subjective statements), and interpret the events.

7. Make a Decision

- a. Once all interviews have been conducted and all evidence and information has been collected, an informed decision can be made based on the facts received. It is at this time that Executive Management/HR can determine any appropriate or corrective action to take.

8. Close the Investigation

- a. Investigators should notify the involved parties and inform them of any decisions made. The company can take appropriate or corrective actions at this time (e.g., verbal warnings, written warnings, additional training, terminations, etc.).
- b. After closing an investigation, employers are encouraged to inform the employees that they can contact Human Resources or Executive Management with any further questions or concerns. The employer must inform the employee that retaliation is illegal, and the employee should inform the employer of any perceived retaliation.

9. Create a Written Summary of the Investigation

- a. A summary should be drafted and kept on file to ensure that, if needed, employers can refer back to the information and outcomes of the investigation.

5. Were there any witnesses of the incident? If so, please list provide their names and any contact information you may have for them.

6. Are there any notes, physical evidence or other documentation regarding the incident? Have the employee provide these.

7. Do you have any other relevant information?

8. Is there anyone else who may have relevant information?

NOTE: Collecting written statements from employees and witnesses is not enough. An effective investigation is conducted by interviewing all parties involved, including witnesses and character witnesses.

COMPANY LOGO

NOTICE TO EMPLOYEE

TO: Jane Doe

FROM: Jack Smith, Human Resources Manager

DATE: January 2, 2023

SUBJECT: Follow Up to Your Recent HR Concern

[Edit language as needed].

This notice is intended to follow-up on the recent concern you submitted on January 1, 2023 in regard to your coworker, John Brown.

On January 1st, you informed me of recent interactions you've had with your coworker, John Brown. Examples are outlined below.

ABC Company (the "Company") takes all employee concerns seriously. We immediately opened an investigation to look into the matter. In order to do so, we asked for your detailed statement on instances and interactions you've had with John which you have found to be inappropriate and/or unprofessional. We also interviewed John and other witnesses who may have insight into the situation. At this time, our investigation is considered complete.

Your statement and your interview outlined the following specific interactions with John:

1. Interaction 1
2. Interaction 2
3. Interaction 3
4. Etc...

Indicate whether the results of the investigation were conclusive/inconclusive and include reasoning.

Describe planned actions and next steps.

We want to thank you for bringing your concerns to our attention, and assure you that you will not face any retaliation for doing so or participating in the investigation. Should you face any retaliation, please bring that to our attention immediately. Additionally, should you have further concerns regarding specific interactions not described above or questions on the information in this notice, please inform the Company immediately by coming to me directly.

Employee Comments:

Employee Signature (Acknowledgement of Receipt): _____ Date: _____

COMPANY LOGO

Investigation Follow-Up

NOTICE TO EMPLOYEE

TO: John Brown

FROM: Jack Smith, Human Resources Manager

DATE: January 2, 2023

SUBJECT: HR Investigation Follow-Up

[Edit language as needed]

As you are aware, on January 1, 2023, Management received notice of a concern regarding your behavior in the workplace. Specifically, it was alleged that:

(insert summary of allegations)

This notice is intended to communicate the status and results of the HR investigation conducted, and to remind you that **retaliation is illegal**. At no time are you to retaliate against the employee for bringing forth their concerns, nor are you to retaliate against any employee for participating in the investigation.

ABC Company (the “Company”) takes these allegations very seriously and does not tolerate inappropriate behavior in the workplace. Employees are encouraged to bring such matters to our attention at any time, without fear of any adverse action being taken against them for doing so.

We have interviewed several current and former employees as part of this investigation. As of February 1, 2023, our investigation is considered to be completed. The results of this investigation are as follows:

- (outline the behavior that was confirmed through the investigation and any Company policies that were violated)

Following this notice...*(Describe next steps or actions that will be taken.)*

Any questions or concerns regarding this notice should be addressed to me directly at (310) 123-4567, or via email at name@email.com.

Sincerely,

Jane Doe
President
ABC Company

cc: Personnel File

Employee Signature (Acknowledgement of Receipt): _____

Date: _____

COMPANY LOGO

SUMMARY OF INVESTIGATION:

Type of Complaint

Date: January 1, 2023

I. INTRODUCTION

On January 1st, 2023, Jane Doe, Manager of ABC Company received a complaint from...

In this section, include:

- *Name, Job Title, and Department of complainant(s)*
- *Name, Job Title, and Department of accused*
- *Any initial conversations introducing this complaint*
 - *Including those with complainants, accused, and any witnesses*

II. OVERVIEW OF ALLEGATIONS

Provide a brief overview regarding the allegations made, including:

- *Who was involved?*
- *What happened?*
- *When and where did the incident occur?*

III. INVESTIGATIVE SUMMARY

On January 1st, 2023, Jane Doe, Manager of ABC Company received a complaint from John Smith regarding the actions of Jack Brown. The complaint alleged that Jack Brown harassed John Smith. On January 2nd, Jane Doe opened an investigation into the complaint. In order to conduct the investigation, Jane Doe interviewed individuals who may have credible information on the matter. Notes from these interviews are below:

Provide the following:

- *Written statement from the complainant*
- *Notes from interviews with involved parties (including dates and times of interviews)*
- *Any other applicable documentation related to the incident*

IV. INVESTIGATIVE FINDINGS

Based on all credible information received and reviewed during this investigation, there is **insufficient/sufficient** information to conclude...

Restate allegations made, and elaborate on reasoning for conclusion.

V. CONCLUSION

In this section:

- *Restate conclusion*
- *Describe any actions taken or planned next steps*
- *Include date investigation was closed*