CONDUCTING INVESTIGATIONS

University of Pennsylvania Investigator Training
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THE 6-STEP INVESTIGATIVE PROCESS

1. Develop the investigative strategy
2. Interviews (Complainant, Respondent and Witnesses)
3. Gather Evidence
4. Develop the investigative findings
5. Draft the Investigative Report
6. Finalize Investigative Report

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THE INVESTIGATIVE STRATEGY/PLAN
THE VALUE OF THE INVESTIGATIVE STRATEGY/PLAN

- The strategy should be developed with an open mind about the complaint and reflect a serious, thorough, thoughtful and deliberate plan of action.

- The strategy brings discipline to your process:
  - Ensures you understand the allegations
  - Keeps you focused and avoids scope creep
INVESTIGATIVE GOALS ...
BUILDING THE STRATEGY:

- What happened (dates, times, location, comments, actions)
- Were there any witnesses? Who?
- Was anyone told shortly thereafter? Who? When? Context?
- Were any other reports made regarding the conduct? Who? When? Response?
- Are there any relevant documents, photographs, messages, or other information?
THE BREAKDOWN...

 Break down the allegations into events that can be investigated ... such as:

- By date
- First occurrence
- Most recent occurrence
- By location
BUILDING THE STRATEGY: WITNESS IDENTIFICATION

- Firsthand
- Secondhand
- Others, as needed
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STEP 2: INVESTIGATIVE INTERVIEWS
THINK THROUGH THE INTERVIEWING ORDER

What are the key considerations?
I get a chance to speak for myself
THE INTERVIEW FORMULA

Prepare Ahead of Time!

Opening Remarks  Baseline Questions  Overview Questions  Specific questions about the allegation  Refute Questions  Corroboration / Credibility Questions  Closing Remarks
THE OPENING REMARKS

- Acknowledgment
- Role of Investigative Team
- Rights and Expectations
- Documents and Other Evidence
- Identify Witnesses
- Any questions before beginning?
EXAMPLE OF BASELINE QUESTIONS

Baseline questions serve an important role to relax the interviewee and to confirm background information about each participant.

- What’s your role at Penn?
- How long have you been at Penn?
Overview questions give the interviewee the first opportunity to begin to discuss the issue. Start with open ended questions and work through to more specific questions.

- What were the circumstances that led you to the conference room that day?
- Walk me through that morning, starting when you arrived on campus.
- What is your normal routine when you arrive at work?
- What did you observe when you arrived at the party?
- Did you see an interaction between [insert name in hypo] and [insert name in hypo] on X date. If yes, what did you see?
EXAMPLE OF SPECIFIC QUESTIONS

These questions are helpful if the interviewee has not provided enough specificity in the overview. You can also use these as follow-up questions during the overview.

- What did the Respondent say when the Complainant walked past?
- What time did you leave for lunch that day?
- How many times did you meet with the Complainant to discuss their work performance?
- Where were you when you heard raised voices?
- Who, what, where, when, and why
Refute questions are critical to provide an opportunity for the party or witness to specifically address the allegations.

- For the Respondent: Did you physically touch their body in any way?
- For the Complainant: Why do you think your gender was a factor?
- For a witness: What specifically did you hear or observe?
CORROBORATION QUESTIONS
THE CLOSING REMARKS

Thank You

No Retaliation

Privacy

Next steps

Process and Timeline, if applicable
UNDERSTANDING THE GOAL OF INTERVIEWING

“To Get Information”

- Not to confirm what you think
- Not to get an admission

✓ It is important to check your beliefs/biases as an investigator. What you would have done is not relevant.
INTERVIEW AND RECORDING STYLES

- Eliciting information
- Memorializing information
COMPLAINANT AND RESPONDENT RIGHTS DURING INVESTIGATIONS

- Right to a process that is fundamentally fair and free of bias or prejudice
- Right to be treated with respect, dignity, sensitivity, and fairness throughout the process
- Right to participate in the process or not participate in the process
- Right to an advisor, including an attorney retained by the party
  (Non-speaking role during interviews; Poses questions during Hearings)
- Right against retaliation
OTHER INTERVIEW CONSIDERATIONS

Investigative Team

Impact on Interviewees

Interview Environment
OTHER PRACTICAL TIPS

**In Order**
- Cover events in chronological order
- Think like a storyteller

**Empathic Listening**
- Summarize and reassure without agreement
- Active listening with questions, not concurrence

**Use of Silence**
- To your advantage
- Don’t fill in the gaps

**Interviewee Treatment**
- Always be respectful of the parties and witnesses.
CONTACT INFORMATION

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