

CONDUCTING INVESTIGATIONS

University of Pennsylvania Investigator Training

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THE 6-STEP INVESTIGATIVE PROCESS





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 ...



Prompt



Thorough



Impartial



Balanced



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



THE 6-STEP INVESTIGATIVE PROCESS





STEP 2: INVESTIGATIVE INTERVIEWS

THINK THROUGH THE INTERVIEWING ORDER

What are the key considerations?



BALANCED PROCESS

I get a chance to speak for myself



THE INTERVIEW FORMULA

Prepare Ahead of Time!



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?



EXAMPLE OF OVERVIEW QUESTIONS

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

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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