



## **Internal Workplace Investigation Process**

### **Step 1: Define the Problem**

We always begin every internal workplace investigation process by defining the problem or allegation to better understand how to tackle the investigation. We will need to determine if the investigation is going to pertain to a complaint, an accusation, employee misconduct or a rumor.

### **Step 2: Research Company Policy**

We will research and review company policy and/or procedure, addressing rules of acceptable behavior and practices through a policy and procedure manual or handbook and assess if the information has been successfully communicated to all employees.

### **Step 3: Create the Framework for the Investigation**

We will develop a roadmap for the investigation by identifying all parties involved, starting with the person who made the complaint. Then we will move on to the accused and any witnesses. Witnesses will have observed the issue or action that gave rise to the complaint or have firsthand knowledge about the issue or complaint. This list will likely become more comprehensive after we have interviewed the complainant and/or the accused.

Once we understand the complaint, we will determine the type of information we are seeking in the investigation and develop interview questions accordingly. We may ask additional questions on the spot based upon what is learned from the interview.

### **Step 4: Interview the Complainant, the Accused and the Witnesses**

We will begin by explaining to the interviewee why they're involved in the investigation and the importance of confidentiality. Since most employees are generally nervous about being involved in an investigation, to ease the situation, we will ask the employee to describe the events as they remember them. We will record only facts. As we follow the interview framework and the interview progresses, we will continue to ask questions until we feel confident that we understand all accounts and we've gathered all of the facts. If an interviewee references documents or other evidence, such as e-mails, recordings, text messages or other materials, we will request copies as appropriate. We will read back pertinent sections of our notes to ensure the responses are in agreement.



### **Step 5: Determine if Any Corporate Policies Were Violated**

Once we've concluded the interviews, we will review our findings against the policies referenced in step 2 and make a determination if there was a policy violation.

### **Step 6: Consider Any Violations of State or Federal Laws**

We will consider violations of state and/or federal laws. This may include, but is not limited to, violations of HIPAA, OSHA, wage and hour provisions, EEOC, ADEA, NLRA, and other state and federal laws and regulations. If there is a potential risk, we will notify you immediately to take appropriate action for safeguarding employees and to mitigate employer risk and liability.

### **Steps 7 & 8: Draw Conclusions and Make Recommendations**

After organizing our notes and reviewing the evidence, we will draw a conclusion and make a recommendation. To keep it simple, it can take the form of:

- The complaint is founded, with a brief explanation.
- The complaint is unfounded, with a brief explanation.
- The investigation is inconclusive, with a brief explanation.

Our conclusion and subsequent recommendation will rely on the facts, taking into consideration any applicable laws and fair and reasonability from both perspectives.

### **Step 9: Determine if Any Corrective Action is Necessary.**

If the complaint is founded, action should be taken to prevent the behavior or situation from recurring in the future. The punishment should be fitting to the crime, but more importantly, when appropriate, the outcome will be directed toward making the behavior stop.

### **Step 10: Prepare a Formal Investigative Brief**

We will close with a report of our findings. The investigative brief will be detailed and include all evidence, statements and actions we followed in steps 1–9.