

THE HR CONNECTION

Church, Engle & Associates

Recruitment Specialists & Human Resource Services

Vol. 6 January, 2008



*The Round Church,
Richmond, Vermont*

In this Edition:
*Conducting an
Effective Investigation
(Part 2 of 2)*

Helpful Link:
Website created by the Wharton School at the University of Pennsylvania. The information on the site is organized at four levels. The top layer provides summaries on current news; the second layer includes articles written by professional business journalists; the third consists of academic papers; and the last layer links to related web sites.
<http://knowledge.wharton.upenn.edu/category.cfm?cid=10>

Quote of the Day:
"A fanatic is one who can't change his mind and won't change the subject."
Winston Churchill

Conducting Effective Investigations - Part 2

In our last issue, we covered the first four steps in conducting an effective investigation:

1. A Written Investigation Policy;
2. How the Investigation Looks to Outside Parties;
3. Ensuring a Trained And Objective Investigator; and
4. A Timely Investigation

This issue will review the fifth step: The Fact Finding Interview.

(You can view Part 1 Conducting Effective Investigations on our website www.churchengle.com - See HR Connection Vol 5 September, 2007 under the newsletter section of our website)

Fact-finding Interviews - Good decisions are based on facts. If a decision is to hold up against challenges, sound fact-finding must be evident. A competent investigator begins by gathering as many facts as possible. Interviews should be conducted with anyone who may have information about the event and the interviewers must use effective interviewing techniques. Information obtained in the interviews must be recorded accurately and conclusions should be based on the facts at hand.

Here are a few tips for fact-finding interviews:

- **Be Professional.** Pay attention to your body language and tone. The goal here is to demonstrate your ability to be impartial, nonjudgmental, and focused on the facts. Do not react with shock, surprise, anger, or other emotions to what you may hear. Be careful not to tip your hand as to what you are thinking or feeling by commenting on what you hear.
- **Questioning.** Ask probing and open-ended questions. Try not to ask leading questions or to suggest answers. Your goal is to attempt to obtain the same "picture" as the person has in his/her mind about what happened. To do this, it is important to focus on extracting as much detail as possible. Focus on the facts of what happened - the where, when, how, and who. If you are not sure you understand what happened, seek clarification by rephrasing or asking for a demonstration.
- **Confidentiality.** Never promise confidentiality or anonymity since the nature of an investigation often dictates that names be used. You may also have to share the result of an investigation with other members of management, attorneys, or legal authorities. However, there are things that you can do to maintain as much confidentiality as possible. First, caution everyone you speak with that the information is very sensitive and you expect that they will respect and treat it in a confidential manner, just as they would for any employee record or company financial information.

Church, Engle & Associates - We offer professional fact-finding investigations and a wide variety of other human resource services including executive, professional, technical and key position recruitment. With our extensive experience there is no reason to go out of state for the highest quality professional recruitment and human resource services.



CHURCH, ENGLE & ASSOCIATES, INC

P.O. Box 361, Shelburne, Vermont 05482
802-434-4416

Web: www.churchengle.com e-mail: info@churchengle.com

THE HR CONNECTION

Vol. 6 January, 2007 Pg. 2



**Barn on Cemetery
Road - Richmond,
Vermont**

Fast Facts: Anonymous Complaints.

Occasionally you may receive an anonymous complaint, don't be tempted to ignore such complaints. You should look at these complaints for their merits. If it appears that there is a chance the complaint is valid and the situation serious enough to be a concern you should conduct a basic investigation based on information contained in the complaint. You may not be able to conduct as thorough an investigation as you normally would but you need to do your best based on the information you have. If it seems likely that the complaint came from an employee, even greater weight should be given to the complaint. If the investigation uncovers policy violations, errors or workplace concerns, treat those the same as an employee complaint - rectify any errors that you can.

Continued from page 1: Conducting Effective Investigations

- **Retaliation.** Remind all involved that the company will not tolerate retaliation against anyone participating in the investigation and let them know that they can contact you if they have concerns. Provide your business card to everyone involved so they can contact you if they believe they are being retaliated against or have additional information to pass on to you.
- **Record Keeping.** Take detailed notes on your interviews and any other information you discover from HR records or other sources. Record as much as you can about the interview, including answers, gestures, appearance, clarity of memory, and overall credibility. Where possible, obtain a written and signed statement from anyone providing significant information.
- **Safety and support.** Depending on the nature of the situation being investigated, it is important to provide a safe and supportive environment for all those involved. An Employee Assistance Program can be invaluable in providing emotional support for anyone being interviewed.
- **Documented Results.** Written records, properly compiled, can provide important evidence to all interested parties that the investigation and decision-making processes were fair.
- **Making a determination.** Once the investigation is completed, the evidence will need to be evaluated and a final decision must be made. Most managers and HR professionals worry about making the "perfect" decision. However, neither your employees nor the courts expect legal perfection. Rather, they expect a rational decision based on a thorough investigation.
- **Communication.** Your decision will need to be communicated to all appropriate parties in a timely manner. The accused and accuser need to know the final decision. Witnesses and others not directly involved do not. Use this communication as an opportunity to underscore the role of fairness in the process and the fact that the decision was a result of the interviews, and fact finding during this process.

Internal investigations are sometimes difficult, are always time-consuming, and can sometimes pose a conflict of interest or sensitive situation. Additionally, you may not have the time or experience to conduct an investigation. In these and other situations, you may decide to bring in an outside party to conduct the investigation.

An effective investigation can ensure that your disciplinary decisions are based on facts and perceived as fair. With an effective investigation you are likely to end up with a process that serves everyone well. Your employees, the public and the courts tend to weigh fairness and the "correct" feel of the investigation more heavily than a technically correct or strictly legal decision. Therefore, a process that includes the above elements helps you to demonstrate your intent to reach a fair decision based on the best evidence known at the time.

Keith Engle



CHURCH, ENGLE & ASSOCIATES, INC

P.O. Box 361, Shelburne, Vermont 05482
802-434-4416

Web: www.churchengle.com e-mail: info@churchengle.com