

A black and white photograph of classical architectural columns, likely from a government or institutional building, with a curved ceiling visible in the upper left.

# Conducting Effective Internal Investigations

*Presented by the  
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# Instructors



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# Agenda

- Scenarios & Analysis
- Q&A

Looking forward to a quiet day in the office, you arrive early to work, pour yourself a hot cup of coffee, shut the door, and check your messages.

The first message you receive is about Bailey, a computer engineering graduate student, who has filed a complaint alleging that he has been stalked by Professor Gates.



You put down your coffee and start to arrange for the investigation to be done.

Where do you start?

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- You contact Professor Gates and advise him to get a lawyer.
- You ask HR to send you Professor Gates' personnel files.
- You assess what type of investigation may be needed and who should investigate.
- You call Bailey back immediately and begin an in-depth interview.

# Where do you start?

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# Types of Investigations

- What is the purpose of the investigation?
- Role of the investigator?
  - Fact-gathering
  - Proposed findings
  - Making a decision
  - Recommended action
- Why good investigations are important

# Choosing an Investigator

- What type of case is it?
- Consider actual or apparent conflicts of interest
- Internal or external investigator?
  - Public relations considerations



# Pre-Investigation Considerations

- Interim safety/preservation measures
  - Interim leave/suspension
  - Document retention
  - Sequestration of evidence
- Public relations issues
  - Notify spokesperson/unit if media questions likely
  - Need for coordinated response
  - Notify president's office

- Bailey tells you that he doesn't want others in the department to know about his complaint.
- At the same time, Professor Gates is concerned about the impact the allegations could have on his career.
- Both ask that the matter be kept confidential.



- What assurances can you give them?

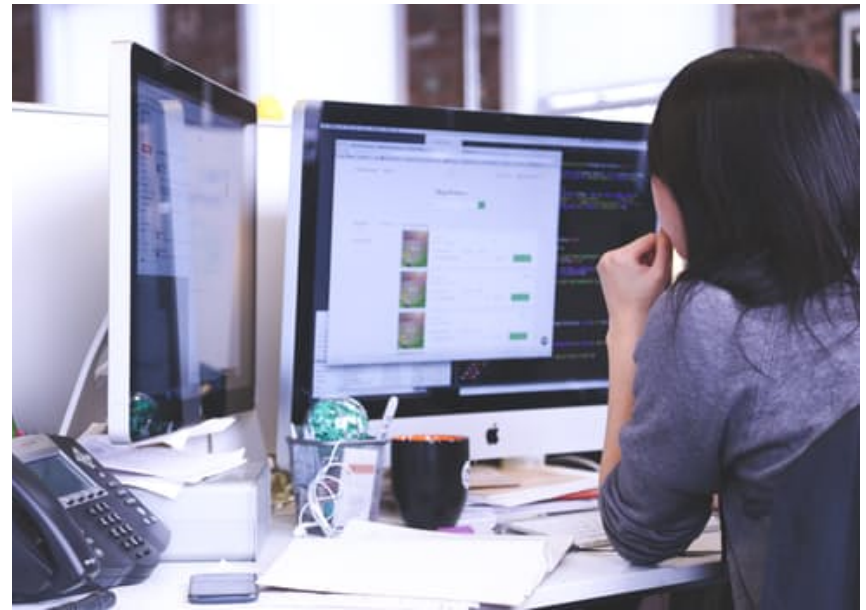
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- Promise absolute confidentiality?
- Describe that you can keep some information private but cannot promise absolute confidentiality?
- Promise confidentiality to Bailey but not to Gates
- Change your phone number?

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- Your second message states that the university has received a demand letter from a lawyer representing Dr. Ride, who was recently fired from her position in the aeronautics department.
- The letter claims that Dr. Ride was fired by the department chair for filing a “whistleblower” complaint with NASA.



- University counsel asks you to look into the matter.
- What are your next steps?

## What are your next steps?

- Call the Department Chair to see what the deal is.
- Call the lawyer representing Dr. Ride to see how much Dr. Ride is seeking.
- Review the demand letter and formulate next steps.
- Email Dr. Ride to set up an intake interview.

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- Call the lawyer representing Dr. Ride to see how much Dr. Ride is seeking.
- Review the demand letter and formulate next steps.
- Email Dr. Ride to set up an intake interview.

# Investigative Steps

1. Document/Evaluate Complaint
2. Initiate Investigation/Notification Letters
3. Develop Investigation Strategy/Plan
  - Who to interview?
  - What other Information do you need?
  - How do you get it?



# Document/Evaluate Complaint

- Determine what laws, policies, procedures/practices apply
- Notify affected individuals
- What information to include
- Timing

# Investigative Plan

- Frame allegations – identify theory of the case/standards or elements of proof
- Evidence
  - Hearsay
  - Material and relevant
- What evidence do you need and how will you get it?

Your third message is from Professor Jones. She was told by research librarian Marion that Dr. Belloq used her (Jones') lab notes in his research without crediting her.



- How would you decide who to interview?
  - In what order?
  - What questions would you ask?

# Who would you interview first?

- The Department Chair
- Professor Jones
- Marion the librarian
- Dr. Belloq

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- Professor Jones
- Marion the librarian
- Dr. Belloq

# Interviews – General Considerations/Logistics

- Scheduling
- Representation?
  - Representative’s role during interview?
- Location
- Accommodations
- Disclosures

# Purpose of the Interview

- Establish a narrative and timelines of events – get the facts!
- Gather information to answer key questions
- Clarify conflicting information
- Understand how all parties perceived events

# Interviews – General Considerations

- Details of the incident/circumstances at issue
- Ask for other sources of relevant evidence – witnesses, documents, etc.
  - Who would have more information about...
  - Is there anything else?



- Your fourth message is about Dr. Minaj.
- Her application for tenure was approved by the review committee but rejected by the department chair.
- Dr. Minaj has filed an internal grievance claiming the denial was because she is African American.



# Conducting the Interviews

## Do:

- Remain impartial and keep an open mind
- Ask relevant questions that are specific to the incident

## Don't:

- Make premature conclusions
- Allow personal biases, belief system, stereotypes to guide your questioning
- Ask accusatory questions/blame the victim
- React to what the witness is saying

# Conducting the Interviews

## Types of Questions

- “**What**” questions ask for facts and details
- “**How**” questions ask about the process, sequence of events, or focus on emotions
- Closed “**Who/When/Where**” questions ask for the specifics of the situation
- Avoid “**Why**” questions
- Avoid **multiple choice** questions
- Avoid asking for **conclusions**

# Avoid Leading Questions – which of these are leading?

- Were you disappointed with Dr. Minaj's publication record?
- What did you think of Dr. Minaj's publication record?
- Do you think the department chair's decision was fair?
- Did you disagree with the department chair's decision?
- What did you think of the department chair's decision?

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# Conducting the Interviews

## ~~Leading Questions~~

- Were you disappointed with Dr. Minaj's publication record?
  - Instead: What did you think of Dr. Minaj's publication record?
- Do you think the department chair's decision was fair?
- Did you disagree with the department chair's decision?
  - Instead: What did you think of the department chair's decision?

# Post-Interview

- Review interview notes/recording/transcript.
- What do you know to be true? Are there undisputed facts?
- What do you not know?
- How can you find this information out? Another witness? More evidence?
- Circle back to give each party a chance to respond to new information.









**Thank you**

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