

GUIDE TO INTERNAL INVESTIGATIONS

By Denis Potvin and Paula Alexander

- I. Introduction
- II. Most common complaints requiring internal investigations
 - a. Workplace misconduct, such as discriminatory acts
 - b. Criminal conduct
- III. In-house investigation or use outside resources
 - a. In-house investigation
 1. Cost effective
 2. Quicker
 - b. When to use outside resources
 1. Nature of allegation
 2. Person/position against whom the complaint is made
 3. Public interest
 4. Litigation potential
- IV. Conducting the Investigation
 - a. Unless there is a need protect confidentiality, notify, as soon as possible, the person against whom the complaint is made; explain prohibitions against retaliation
 - b. Separate the Complainant and the person complained upon (the “accused”). It may be necessary to temporarily change the parties’ shifts, assignments or job locations; administrative leave with pay. Generally move the accused, but sometimes the Complainant, if justified.
 - c. Select an investigator who is neutral and autonomous; preferably easy to talk to
 - d. Investigation must be thorough and based on the facts; no preconceived notions
 - e. Investigation must be completed as quickly as possible
 - f. Make sure that the evidence, testimony and findings are well-documented and supportive of the ultimate decision
- V. Frequently asked Questions
 - a. Must Complaint be in writing?
 - b. Can Complaint be anonymous?
 - c. Can Complaint come from 3rd party?
 - d. Should investigation be discontinued if complaint is withdrawn?
 - e. Can action be taken against Complainant if Complaint is false?