

## **GENERAL DO'S AND DON'TS**

### **DO:**

- **Be a neutral investigator and listen with an open mind. Inform all witnesses that any retaliation for their participation in the investigation should be reported immediately.**
- **Provide the accused with notice and meaningful opportunity to respond before disciplinary action, if any.**
- **Consider interim measures to prevent further misconduct or retaliation.**
- **Determine the extent of personal, as opposed to hearsay (second-hand) knowledge.**
- **Have the witness identify other likely witnesses and any relevant documents. Ask complainant (and other witnesses) for any physical evidence that exists, including email and voicemail.**
- **Ask open-ended questions.**
- **Ask follow-up questions to ensure sufficient detail. Always ask, "Is that everything?" Make sure the complainant has provided all complaints, and not held any back, document this.**
- **Try to get a written statement and signature. Note if the witness refuses to review or sign a written statement and reasons given for refusal.**
- **Ascertain the basis for the concern of any witness who doesn't want to get involved; document any unsuccessful attempts to interview potential witnesses.**
- **Consider additional training or re-distribution of your policy as a preventive measure.**
- **Report back to the complainant and to the accused to provide any necessary reports or to enact any remedial measures.**

**DO NOT:**

- **Intimidate witnesses.**
- **Promise absolute confidentiality. Complete confidentiality can never be assured and a written record of the recollection of the witness may be essential.**
- **Use leading questions. Let the witnesses tell their own stories.**
- **Provide unnecessary information to the interviewee (names or identifying information). Do not convey information that has no proper purpose.**
- **Discuss the situation with persons who have no “need to know.”**
- **Act or appear to act out of malice or indifference toward the complainant, regardless of whether you think the complaint is valid; instead show respect.**
- **Speculate, or make statements believed to be true without a basis for their truth.**
- **Reveal what you know – instead, let the witness tell you all he or she knows.**
- **Prevent an interviewee from leaving the meeting if he or she chooses.**
- **Put investigation documents into the personnel file, instead make a separate “investigation” file.**

## ADVICE ON NOTE-TAKING

### DO:

- Start a new page for each interview.
- At the top of the page, indicate the names of those present at the interview, the date, time and place of the interview, and the name of the author of the notes.
- Take detailed notes, detail the questions asked and the testimony as close to verbatim as possible.
- Focus on the facts; keep the documentation neutral. Do not include your own thoughts or impressions.
- Note the next step – who does the interviewer need to talk to? What further evidence should be reviewed?
- At the conclusion, review with the witness the points contained in your notes to confirm their accuracy and determine if they have anything to add.
- Review the notes. Consider asking the witness to review the notes (once finalized) and sign off on them as accurate.

### DO NOT:

- Include your interpretations, beliefs, assumptions or conclusions in the interview notes. Rather than guess at reasons or intentions, ask the interviewee questions and record the responses.
- Even if you notice such things during an interview that influence your view of the witness' credibility (such as evasiveness, contradictions, shaking, defensiveness, blushing or other facial expressions) do not note this fact in your interview notes. Instead, record those observations after the interview on a separate document. Comment on the demeanor of the interviewee. Note such things as their willingness to answer questions, eye contact, and body language.