Workplace Internal Investigations: A Novel Approach

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Application
- Myriad Roles
  - HR professionals
  - Investigators
  - Managers with HR responsibilities
  - Legal professionals as advisors & investigators
- All Expertise Levels

Key Take-Aways
- Purpose of Investigations
- Approach to Investigations
  - Risk-Management
  - Critical Thinking
  - Systems Thinking
- Investigation Process Model
- Ways to Improve Investigations
Workplace Internal Investigations: A Novel Approach

Don’t Miss This Presentation!
- The information from these slides will be presented in a variety of methods during the presentation, including video
- The presentation includes interactive assessment of a complex case that is not found elsewhere

Save a Copy of These Slides!
- These slides are provided as a reference to the material discussed during the presentation
- These slides include supplemental materials that may not be directly addressed during the presentation

Assessing
- Decide to investigate
- Address safety
- Maintain confidentiality

Planning
- Be quick, thorough and objective
- Select the investigator
- Plan the investigation
- Prepare questions

Understanding
- Stay focused
- Gather & evaluate evidence
- Conduct interviews
- Determine credibility

Completing
- Document the investigation
- Reach a conclusion
- Take action
- Follow up
1. Get the Report
2. Understand the Emotions and Assumptions
3. Focus on Specifics
4. Ensure Clear Understanding of the Complaint
5. Make Sure Nothing was Missed
   △ Avoid Primacy Effect
   △ Don’t Offer Bounties
6. Establish Organizational Knowledge
7. Reinforce and Communicate
8. Assess Purview
9. When an Investigation may be Required
10. Type of Investigation
11. Assess Immediacy
12. Get (and Stay) Organized
13. See it Through

Assessing
   - Decide to investigate
   - Address safety
   - Maintain confidentiality

1. Complainant and Witnesses
2. Accused
3. Unknowingly Involved
4. Investigators

Assessing
   - Decide to investigate
   - Address safety
   - Maintain confidentiality

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1. Be Trustworthy
   △ Don’t Share Opinions
   △ Don’t Deputize Witnesses
   △ Don’t Use Blanket Confidentiality Orders

2. Remind Those Involved of Confidentiality

Assessing
- Decide to investigate
- Address safety
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Planning
- Be quick, thorough and objective
- Select the investigator
- Plan the investigation
- Prepare questions

1. If You’re Slow, They Will Go
2. If Incomplete, You Will Have to Repeat
3. If You Prejudge, the Truth Won’t Budge
1. Internal or External?
2. Key Criteria for an Internal Investigator
3. Additional Criteria for an Investigator
4. Continuity of Investigator
5. Number of Investigators

Planning
- Be quick, thorough and objective
- Select the investigator
- Plan the investigation
- Prepare questions

1. Decide What You are Trying to Decide
2. Considering the Consequences
3. Identify Possible Sources of Evidence
4. Witnesses: Selecting Whom to Interview
5. Investigative Methods
6. Risks and Mitigating Measures
7. Prepare an Investigation Checklist
8. Scheduling Interviews
9. Language
10. Location for, and Notice of, Interviews
11. Preventing Collusion
   △ No “Witch Hunts”
1. Examine the Evidence Already Obtained
   △ Beware Interpretations and Extraneous Material
2. See the Big Picture First, Then the Details
3. Develop the Core Questions
4. Develop the Targeted Questions
5. Follow-Up Questions

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1. Truth is the Purpose
2. Motive
3. Supervisors & Chain of Command
4. Friends and Family
5. Investigator
6. When Things Vary from Plan
1. Refer to Policy and Law
2. Records
3. Searches of Persons and Property
   △ Searches Must be Limited
4. Electronic Searches
5. Video Surveillance
   △ Control Video Access
6. Develop a Timeline

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1. Set the Stage
   △ No False Imprisonment
2. Interviewer Notes
3. Record the Interview?
4. Pause to Control the Pace
5. Get Complete Details
   △ Don’t Fill in Potholes
6. Listen
7. Timing Matters
8. Consider Terms
9. Ignorance is OK
10. “Show Me”

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11. Special Situations
12. Confirm Documents that are Evidence
13. Confession
   △ Avoid Aggressive Tactics
14. Get it in Writing
15. Ask the Core Questions Regarding Consequences
16. Closing the Interview
17. After the Interview

△ Don’t Give More Credibility than Deserved
1. Evaluate the Inherent Plausibility
   △ Misperception of Events
   △ Misinterpretations Misguide
2. Observe Demeanor
   △ Staring is Creepy
3. Motive to Falsify
4. Corroboration
   △ Corroboration does not Mean Credibility
5. Consistency
6. Past History
1. Have Someone Review Your Investigation
2. Report
3. File Contents
4. File Plan

Completing
- Document the investigation
- Reach a conclusion
- Take action
- Follow up

1. Assess Credibility and Consider Intent/Motive
2. Consider Systematic Issues
3. Clearly State the Decision
4. Legal Review

Completing
- Document the investigation
- Reach a conclusion
- Take action
- Follow up
1. Consulting on Disciplinary/Punishment Plan
2. Don’t Disregard a “Small” Transgression
3. Consider Mitigating Factors
4. Opportunity for a Second Chance?
5. Document the Discipline Clearly
6. Treat the Accused Courteously
7. Closure for the Complainant/Victims

Completing
- Document the investigation
- Reach a conclusion
- Take action
- Follow up

1. Schedule Time
2. Communicate with Organization’s Population
3. Training for HR and Investigators
4. Control of Files
5. Update and Correct Policies and Devices

Completing
- Document the investigation
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- Take action
- Follow up

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