

Conducting Effective Internal Investigations



**Online Course Forum
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Agenda

- Investigative Steps
- Reaching a Conclusion
- Evaluating Evidence
- Credibility Determinations
- Elements of a Report
- Best Practices
- Post Investigation Considerations
- Q&A



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First, a question...

What are some of the particular challenges you are currently facing as an investigator?

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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

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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?

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- 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.



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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 systems, stereotypes to guide your questioning
- Ask accusatory questions/blame the victim
- React to what the witness is saying

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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**

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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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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.

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Gather Documentary Information



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Reaching a Conclusion

- Apply the applicable standard of proof.
- Evaluate the evidence. (How to on next slide)
- Determine if there is anything else that you need. (If so, WHY?)
Check the investigation plan.

Remember: reasonable minds can disagree.

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Evaluating Evidence

- Weigh the evidence.
- Consider corroborating evidence.
- Assess credibility.

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Poll Question: Demeanor

- When interviewing someone, do you assess their physical demeanor/affect when evaluating their credibility?
 - Always
 - Never
 - I heard that I am not supposed to but sometimes it is hard not to...

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FAQ: Credibility Determinations

- Do you use demeanor to evaluate credibility?

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Investigation Reports

- Practice makes perfect!
- Techniques for improving.
- Form of the report will be dictated by purpose, policy & audience.

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Best Practices

- Document retention
- Versioning
- Redlining
- Attorney-client review

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FAQ: When to Use Counsel?

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Post-Investigation Considerations

- Receipt of report?
 - Polling question: does the investigation procedure that you primarily operate under permit disclosure of the report to the parties?
 - Yes – receive full report
 - Yes – receive redacted report
 - Yes – view (but not receive) full report
 - Yes – view (but not receive) redacted report
 - No – summary only
 - No – outcome only

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Other Post-Investigation Considerations

- Notification
- Appeals

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Questions?



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