

Before the Investigation

HR Checklist

Name _____

Department _____ Job Title _____

Review Period _____ Reviewer Name _____

Before the Investigation

1. Identify the Applicable Law

- Title VII
- ADA
- ADEA
- Other _____

2. Is an investigation legally required?

Yes
 No

3. Create an Investigation Plan (IP)

- Allegations
- Scope
- Timeline
- Key players

4. Assess legal privilege

Attorney-client protected?

5. Select Investigator

- Neutral
- Experienced
- Unbiased

Comments and Feedback

Reviewer Acknowledgment

Reviewer Signature

Date



During the Investigation

HR Checklist

Name _____ Department _____ Job Title _____
Review Period _____ Reviewer Name _____

During the Investigation

1. Start every interview with a consistent script

- Explain confidentiality and non-retaliation policies
- Adapt questions based on what you hear
- Establish a behavioral baseline before assessing reactions

2. Questions

- Open-ended: "Tell me more about this"
- Neutral: "I'm here to hear both perspectives for a fair outcome."

3. Documentation

- Take detailed, objective notes
- Include direct quotes and tone
- If recording,
- Leave out personal opinion or bias and record signs of retaliation

4. Use EEOC standards

- Plausibility
- Consistency
- Corroboration
- Motive

Comments and Feedback

Reviewer Acknowledgment

Reviewer Signature



After the Investigation

HR Checklist

Name _____
Department _____ Job Title _____
Review Period _____ Reviewer Name _____

After the Investigation

1. Final Steps

- Analyze facts objectively before reaching findings
- Notify parties that the matter was addressed—no unnecessary details

2. Documentation

- Take detailed, objective notes
- Use HR-approved, neutral language when sharing outcomes
- Prepare a well-organized report with documented rationale
- Leave out personal opinion or bias and record signs of retaliation

3. Maintenance

- Monitor for retaliation post-resolution
- Regularly train on bias, trauma-informed practices
Debrief and improve process

Comments and Feedback

Reviewer Acknowledgment

Reviewer Signature

Date



Before the Investigation

HR Checklist + Training

Name _____
Department _____
Review Period _____ Job Title _____
Reviewer Name _____

Before the Investigation

Organizational Trust Tips

1. Identify the Applicable Law

- Title VII
- ADA
- ADEA
- State laws

2. Is an investigation legally required?

- Yes
- No

3. Create an Investigation Plan (IP)

- Allegations
- Scope
- Timeline
- Key players

4. Assess legal privilege

- Attorney-client protected?

5. Select Investigator

- Neutral
- Experienced
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Reminders: **Don't** Do

- Don't** delay: Close within 30 days if possible
- Don't** assign conflicting investigators
- Don't** promise 100% confidentiality – use privacy language
- Don't** ignore protected class or patterned complaints
- Don't** begin without a prep plan
- Don't** insert assumptions or personal opinions in notes

Interview and Documentation Pitfalls

- Don't** coach or lead witnesses
- Don't** multitask or interrupt
- Don't** rely solely on body language—use context
- Don't** issue blanket gag orders
- Don't** submit legal conclusions in reports
- Don't** waive privilege unless strategically necessary

Validate

Most of us just want to be heard. When we feel validated, we drop our defenses.

Take Accountability

When one party takes accountability, it softens the other party and can significantly de-escalate the situation.

Allow the Space

To share their feelings. When you offer the space to show emotion, you'll get much farther in the investigation.

Convey Transparency

Transparency can help create a sense of safety.

Ensure Fairness

Relying on policies and procedures to set boundaries.



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2. Questions

- Open-ended: "Tell me more about this"
- Neutral: "I'm here to hear both perspectives for a fair outcome"

3. Documentation

- Take detailed, objective notes
- Include direct quotes and tone
- Follow recording best practices and/or state laws
- Leave out personal opinion or bias and
- Record signs of retaliation

4. Use EEOC standards

- Plausibility
- Consistency
- Corroboration
- Motive

Organizational Trust Tips

To Set the Tone (Opening the Conversation):

- "This is a space for you to speak freely—there's no judgment here."
- "We take all concerns seriously, no matter who is involved."
- "You don't need to have all the answers or evidence—just share what you've experienced or observed."
- "We're not here to assume guilt or innocence—we're here to understand what happened."

To Acknowledge Power Dynamics Without Bias:

- "We understand it can be difficult to speak up when the person involved is in a leadership position."
- "You are not alone in feeling concerned—many people find these situations challenging."
- "Part of our responsibility is to make sure everyone is treated fairly, regardless of role or title."

To Offer Reassurance and Psychological Safety

- "You may share your experience without fear of retaliation."
- "We appreciate your willingness to talk. Speaking up takes courage."
- "Just to be clear: your participation in this process is protected and confidential within the bounds of the law. It's on a need to know basis only."

To Close With Care

- "We'll follow up as needed and keep you informed as appropriate."
- "If you think of anything else after today, you can reach out to me directly."
- "We are committed to handling this thoroughly, fairly, and respectfully."



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Debrief and improve process

Factors to Assess a Violation

Prior wrong doing (-)

Apology after competence (+) or integrity-based violation (-)

Repentance (+) or indifference (-) cultural differences: relevant (+) or insignificant (-)

Apology, repairing trust with groups (-) or individuals (+)

Accepting responsibility (+) or excuse-making and denial (-)

Intentional (-) or unintentional (+) violation

Serious (-) or minor (+) violation

Remedies implemented (+) or not implemented (-)

Timely (+) or delayed (-) apology

Followers' emotional competencies are high (+) or low (-)

Mistrusted party's empathy (+) or absence of empathy (-)

Respectful (+) or disrespectful (-) behaviour

