Tips for Conducting an Inquiry

1. Plan the Inquiry.

   • **Scope of the Inquiry:** Establish the parameters of information you need.

   • **What do you need to determine through the inquiry?**
     • What are the specific behaviors at issue in the complaint?
     • Did the conduct occur as alleged?
     • What prompted the behavior?
     • Do the parties agree the alleged conduct occurred, but disagree over the purported motives, intent, or impact?
     • Is it a he said/she said situation? Will you have to make a credibility judgment? What information do you need to help you make that decision?

   • **What is the context of the complaint?**
     • Is the alleged conduct patently inappropriate? If yes, how frequently did it occur? Prior history of similar behavior by accused? How has the complaining individual reacted to the behavior?
     • If the allegations involve otherwise appropriate use of supervisory authority, was the adverse action based on legitimate work-related reasons? Were proper procedures followed?

   • **Do you need to look at comparators? Is the individual being singled out?**
     • Are others being treated similarly?
     • Are work place standards and expectations being applied consistently?

   • **Sources of Information:** Determine where you will obtain evidence.

   • **Witness list: Who could corroborate or disprove facts?**
     • Is there a way to inquire about the conduct without divulging the names of the parties?
     • Ask the parties for names of people with pertinent information. Are there witnesses to the alleged behaviors? Is there anyone who can attest to the complaining individual’s reaction to the alleged conduct?
     • Determine who might have first-hand information versus information based on rumor.

   • **Gather pertinent documents** – personnel file, emails, memoranda, etc.
EO Incident Management Cheat Sheet - Inquiry

2. **Conduct the Inquiry**

- Notify complaining individual and accused that you will be conducting an inquiry.

- **Interview the accused individual.**
  - Advise of anti-retaliation policy and importance of refraining from any conduct that could be even perceived as retaliation.
  - Walk through the fact-finding process and assure accused individual that he/she will have full opportunity to present any information pertinent to resolution.
  - First, ask the accused to walk you through his/her impression or recollection of situation; then ask questions about the specific allegations
  - Request names of witnesses and copies of pertinent documents.
  - Take detailed notes.

- **Develop witness list and interview questions.**
  - Ask the same questions in the same way of similarly situated parties.
  - Focus your questions on the alleged conduct and understanding the context of the situation.
  - Avoid vague or overly leading questions (e.g.: have you ever seen X discriminate?).

- **Conduct the witness interviews.**
  - Schedule interviews in a way that minimizes potential “tainting” of statements.
  - Request that the witnesses respect the confidential nature of the inquiry.
  - Advise of anti-retaliation policy.
  - Start with general questions and move then to specifics.
  - Always ask: Is there anything else you think I should know? Is there anyone else with whom you think I should speak?
  - Take detailed notes.

- **Review interview notes & collected documentation.**
  - Any unanswered questions? Gaps in information? Inconsistencies?
  - Do you need to interview the complaining individual or accused again?