

Interview Tips

Planning the interview

- Gather background information on the interviewee before the interview. How long has he/she worked for the company? In what positions? How do supervisors and other employees regard the interviewee? Are they known to be reliable? Is the interviewee a friend of the complainant or the investigation subject? Could the interviewee have a grudge or “axe to grind”?
- Have a list of questions prepared in advance, but be ready to deviate from your list if the interview brings out facts or issues you did not anticipate. Preparing an interview outline prior to conducting an interview will often eliminate the need to re-interview someone.
- Think about what documents/evidence your interviewee may have and make a note to ask him/her for those ahead of the interview, so you can review them in advance, if applicable.
- Do not take original documents to an interview with you, make copies for yourself, the interviewee and, if necessary, your note-taker.
- Think about the best way to go about eliciting the information you want from an interviewee. An interviewee may not always be forthcoming during the interview, may react with impatience or hostility at being questioned, or may have an emotional outburst that results in the interviewee disclosing information that he/she did not mean to reveal. Anticipate how you will deal with these eventualities.

Arranging the interview

- Arrange to interview one individual at a time. Try to schedule interviews so that interviewees will not have an opportunity to talk with each other and “conform” their stories between interviews.
- Reserve a meeting room that is quiet and private, where there will be no interruptions or distractions.
- Mark all meeting invites as private.

Opening the interview

Tell the interviewee:

- We are conducting an internal investigation to determine whether there has been a violation of company policy or law.
- The organization takes all matters seriously and will be conducting a thorough investigation.
- The purpose of the interview is to gather facts and the organization will not take any position or action until it has all the facts.

- As a an employee of the organization they are expected to co-operate with you, tell the truth, and offer up any information they have that might be relevant. Let them know any refusal to cooperate or being untruthful may result in disciplinary consequences, up to and including termination.
- Explain to the interviewee that it is important to keep the investigation as confidential as possible in order to ensure that the process is fair to everyone. Tell the interviewee that you will keep any information they provide as confidential as possible, however, do not promise complete secrecy or anonymity.
- Take the opportunity to re-emphasize the company's non-retaliation policy.

Do's & Don'ts

Do not....

- Pre-judge anyone; it could cloud your judgment and performance. Your personal prejudices will generally occur in the first few minutes; be conscious of the tendency and deliberately reject the biases.
- Try to impress the interviewee.
- Do not give out information; remember your job is to gather information.
- Lie or make false promises.
- Underestimate the interviewee.
- Take on a contemptuous attitude, i.e. do not sneer, ridicule, bully or belittle.
- Consider the gaining of information of an admission or a confession as a victory.
- Display signs of personal nervousness, e.g. do not pace or fidget, click a retractable pen.
- Offer your opinions.
- Antagonize the interviewee.
- Raise your voice, yell, browbeat or react to comments made by the interviewee. It is your responsibility to maintain your composure and ask the next question, if you become angry or offended you will give up control of the interview. This is a good time for a break!

Do...

- Treat all interviewees with respect and courtesy and grant any requests for a break or a pause in the interview.
- Keep an open mind and listen carefully so that you receive all the information.
- Evaluate each development on its own merits.
- Display confidence in your course of action.

- Be a good listener; actively listen and think about what the person is telling you. Is what they are telling you logical, does it make sense?
- Carefully observe the interviewees' body posture and physical activity. Everyone uses body language to express him or herself. Watch for changes in appearance in response to certain questions. Most people under stress are unaware of their reactions. Use these observations to aid in formulating questions.

Conducting the interview

The art of good interviewing is asking the right questions, following through on leads the interviewee unexpectedly offers, dealing with situations you had not anticipated, listening carefully, and watching an interviewee's body language.

- Stop the interview if it is not going well, if it has become acrimonious or is out of control.
- Do not lie to the interviewee. Lying to an interviewee can result in the interviewee distrusting the internal investigation process.
- Give the interviewee time to answer, do not rush them. Listen very carefully to the whole story. Avoid interruptions; if a question comes to you, write it down and ask it later.
- If the interview reveals evidence of a possible violation of law or company policy other than the one you are investigating, do not ignore it. Explore and document it. If the new matter is not directly related to the matter you are currently investigating, keep any notes or documents relating to the new matter separate from your files of the current investigation.

Asking Questions

- Silence is golden. Many people cannot stand silence and will fill up the void with talk, often saying something they had no intention of revealing. The average person expects no more than seven seconds of silence during a conversation. If you do not say anything after the interviewee answers a question, the interviewee will frequently give you more information than they intended to give you.
- Ask questions in chronological or systematic order, not randomly. Make your questions straightforward. If the questioning is confusing, you will lose the interviewee's train of thought and risk missing information. Avoid questions that are cute or tricky because you will lose the interviewee's trust.
- Ask one question at a time and get specifics. Do not move too quickly from one point to the next. Be methodical about pinning down all the surrounding details and asking follow-up questions. Be sure to ask whom? what? when? where? how many? and how often? Details that may appear insignificant at first glance often lead to discovery of highly significant evidence.
- If you ask a question that causes obvious high stress, you should consider noting that issue and change the topic. Continue with less stressful items to get all the information you need first, then return to the high stress item and pursue it to its end.

- Explore the attitudes of the interviewee, looking for bias. Think about what the interviewee is saying, or not saying.
- Consider the manner, or demeanor, of the interviewee. How does the interviewee react? Are they straightforward or evasive? Cooperative or defensive? Confident or nervous? Does the interviewee tend to exaggerate for the sake of emphasis? Are they offering excuses and justifications when asked for facts?
- Be alert for answers that may suggest facts or issues you did not anticipate. Do not be so tied to your list of prepared questions that you fail to pursue other potentially significant points that come out during the interview.
- Do not settle for answers phrased in vague language or broad generalizations. For example, if an interviewee tells you that an employee “never gets to work on time” ask further questions to understand what they mean; how often? how late? can they describe any specific instances? Are there any documents recording this information?
- Probe the issues using open-ended, non-leading questions. A leading question is one that suggests the answer that you want the interviewee to give. A blatant example would be: “You never sexually harassed the complainant, did you?” Answers tend to be more revealing and reliable when they originate with the interviewee:

Leading: “Did you see Sam grope Jean behind the beverage machine?”

Open-ended: “Have you seen or heard any conduct in the workplace that you think may be sexually intimidating or embarrassing?”

Leading: “Wasn’t Terry standing right beside them?”

Open-ended: “Was anyone else present at the time of the incident?”

Leading: “Did Sam tell you to forget you saw anything?”

Open-ended: “What, if anything, did Sam say to you?”

- Avoid asking pointed and “why” questions until the end or until you think you may have exhausted the interviewee’s initial recollection. When you sense that you may have as much information on a given point as you are likely to get from the interviewee switch from open-ended questions to specific questions. As a general rule, everyone has more information than an interviewer obtains the first time through, so refresh the interviewee’s recollection with specifics.

Pointed: “Oh, come on now, you don’t expect me to believe that!”

Specific: “Do you know of anyone who can confirm what you have told me?”

- Probe the key factual issues more than once in different ways; people often remember things in waves, and this approach may bring out additional details.
- Press your interviewee to give general ranges when they are uncertain.

Example: You may ask: “How many people were there at the meeting?” If the individual responds, “I don’t know.” Frame the next question with a range such as “Was it more than two, less than five?” Alternatively, “Was it less than fifty?”

If the interviewee is giving a physical description of someone, you may ask: “How tall was the man?” If the individual responds, “I don’t know”. Reframe the question to something relatable, such as “Was he as tall as am?”

- If a person does not remember, try to help by asking questions that help recreate the situation.

Example: If it is alleged that one employee falsified his vacation records to have more days off, you need to know who is involved in the process and how the process works. You might begin by asking the interviewee to describe the vacation approval process. If the answer is vague or inaccurate, you might break the process into parts and ask specific questions about each part. For example:

How many vacation days are you entitled to per year? When are vacation requests submitted? How are they submitted? Whom are they submitted to? Who approves a request? How do you amend a request?

- Explore answers that seems odd, unlikely or conflict with each other. If an interviewee tells you something you find hard to believe follow up with probing questions. If information the interviewee is providing, contradicts either something they said earlier or a piece of information gathered from another source, you should note the contradictions and then, at the appropriate point, ask the interviewee how these contradictory facts could be true. However, be careful not to call something a lie unless you have proof.
- Don’t let the interviewee use legalistic words to answer your questions.

Example: “assault”, “hostile work environment”, or “embezzlement”. The interviewee likely does not know the true meaning of the words. Your question should probe to describe the situation or action without the use of these words.

Example: When asked whether or not the interviewee has witnessed any behavior that he believes to be unfair in his department, and the interviewee responds as follows, “Oh yeah, all the time, it’s really a hostile work environment.” You might begin by asking the interviewee to describe the environment, drilling down further in each answer.

Interviewer: “Can you tell me why you would describe your department in that manner?”

Interviewee: “Because my boss is unethical.”

Interviewer: “Can you give me examples of situations where you disagree with the behaviors of your manager?”

Tips for interviewing the Complainant

Your aim is to have the complainant give you a complete account of the facts relating to the allegations. You want to deal with the complainant in such a way that (1) they are not made to feel they have done the wrong thing by speaking up, and (2) recognize that it is often very difficult to raise a complaint or allegation, particularly if it is against a person’s manager or peer.

- Assure the complainant that the organization respects their right to make a complaint, takes it seriously, will investigate, and will take appropriate action. Remind the

complainant of the company's non-retaliation policy and urge the complainant to report any actions that they believe to be retaliatory.

- Ask the complainant what happened exactly? You want a description of each instance of alleged misconduct in as much detail as possible, including dates, times, places, frequency.
- Explore any surrounding circumstances. For example, it is often helpful to get an understanding of the relationship between the complainant and the investigation subject and whether threats or promises accompanied the alleged misconduct and if the threats or promises were carried out.
- Ask the complainant if he or she has told anyone else about the alleged misconduct, and if so, who? Did the complainant speak to anyone in management about the alleged misconduct at the time that it occurred? If so, when and to whom? If the complainant did not report the alleged conduct right away, why not?
- Find out if anyone else saw the alleged events. If so, does the complainant think they will support their account of what happened? Why or why not?
- Can the complainant provide, or point you to, any document or other physical evidence that might help to corroborate the complaint? Does the complainant know of anyone else who might have knowledge of the events?
- If the complainant alleges discriminatory treatment, ask them to identify any other individuals who allegedly were treated more favorably than the complainant was.
- Ask whether the complainant is aware of any other incidents involving the investigation subject. If so, what details can the complainant provide?
- Establish whether the complainant missed any work or incurred any expenses because of the alleged incident.
- Find out what action, if any, the complainant would like to see taken to remedy the problem or ensure that it does not reoccur.

Tips for Interviewing the Investigation Subject

It is important to make it clear to the investigation subject that:

- For the present time the allegations are only that, allegations; no one has pre-judged them.
- The organization wants to keep the matter confidential as far as we can; we want to protect the investigation subject, and their reputation, from any "leaks" about unfounded accusations.
- It is possible that disciplinary action may occur because of the investigation, but this meeting is a fact finding one only.
- It is their duty, as an employee of the company, to co-operate in the investigation, as you want to know the investigation subject's general "side of the story" about the allegations.
- They must give you a response to each specific allegation; i.e. deny, admit, or explain.

- You want to know which individuals the investigation subject thinks ought to be interviewed.
- Explore the investigation subject's motives. If they deny the alleged violation, ask if they know of any reason why the complainant would be lying. What is their relationship, if any? Have there been problems between them in the past?

Closing the interview

How you end an interview will be key to whether an interviewee will contact you if they learn of any additional information that might be relevant to the investigation.

Always close the interview with the following questions:

- Is there anything else relevant to the matter that you would like to share?
 - What other documents are important?
 - Who else knows about this?
 - Who else can help me with this information?
 - Is there a question I should have asked and didn't?
 - Is there anything else that you know about this?
- Express appreciation for the information given in the interview.
 - Give the interviewee your contact information in the event more information becomes available. Explain that there may be a need to ask further questions of the interviewee.
 - If you have asked the interviewee to give you any documents, this is the time to remind the interviewee of the request, and agree to a date for production of the needed documents. Consider giving the interviewee a written list of the items he or she has to provide. Follow up a few days later to confirm the request.
 - Remind the interviewee about the company's policies on confidentiality and non-retaliation. Urge the interviewee to contact you if they have any issues with confidentiality or retaliation.