

Conducting Internal Investigations: Practical Guidance for HR Teams

Ali Worster, JD, LLM, FACHE

June 9, 2026

Agenda

- Whyyyyyyy?
- When is an investigation required?
- Who does an investigation?
- What does the framework look like?
- Witnesses
- Common Mistakes
- Documentation and defensibility

Whyyyyy????

Internal investigations do matter, and are important

- Demonstrate that you took an issue seriously to both internal and external parties
- Builds workplace culture
- Mitigates risk that you missed something
- Legal compliance
- Captures what is happening so you and others know in the future

When is an Investigation (actually) Required?

- Major Behavioral Issues
- Harassment
 - Physical
 - Bullying
 - Mental
- Discrimination Allegations
- Retaliation Allegations
- Workplace Violence Threats
- Serious Ethical Concerns
- Leader Misconduct



Who Should Do the Investigation?

Training doesn't mean PERFECTION



Trained Professional

Can be delegated or limited authority



Appropriate Authority

Subject matter knowledge can come from a partner



Subject Matter Knowledge

Does not mean the complete lack of conflict



No Major Conflicts



Time

May require reallocation of time

What Does the Framework Look Like?



Defining an Allegation or Issue

- Listen to the initial allegation
- Allow the person to finish
- Circle back to undefined or subjective terms
- Clearly identify any “hot button” terms that are used
- Ask why
- Ask who
- Ask when

Why are you coming forward now?

What do you mean when you say harass?

Why do you think they did that?

Who was involved?

Who saw this happen?

Who have you talked to already?

Who should we talk to?

When did this happen?

When did this start?

When did you first feel uncomfortable?

When is the last time you felt uncomfortable?

Discriminate is a very serious term, tell me why you think this is discrimination?

What do you think the behavior is based on?

Why does this upset you?

What do you want to see as the outcome?



Resources for the Investigation



Policy

Training Documentation

Departmental Directives

Financial Records

Schedules/Timecards

Teams/Zoom/Slack Messages

Incident Reports

Emails

Text Messages

Social Media Posts

Pictures or Video

Ask your SME!

Witnesses

Reporter

- Generally interview first
- Let them get it all out first, take notes of your questions
- Do not agree or disagree with statements
- Recognize and control your own emotion
- Leave the door explicitly open to follow up
- Talk about process and timing expectations
- Check to ensure safe to return to work
- Ask what they are looking for

Witnesses

- Open ended questions
- Do not share the allegation unless absolutely necessary
- Ask how they know the information that they are sharing
- Bring a list of things that witness may be able to provide, check your list before wrapping up
- Leave the door open for them to come back to you
- Bring a SME when needed
- Ask if they know of anyone else impacted

Accused

- Take a moment to identify your personal state before going in to talk with them
- Be firm but fair
- Bring a checklist of things you need to address
- Give them an opportunity to respond to each part of the allegation
- Avoid using conclusory words/statements
- Ask for corroborating evidence
- Ask for why this would be reported this way
- Leave the door open for more information

Witness Always and Avoid

- Always

- Cover non-retaliation and include it in your notes
- Share the reason that confidentiality benefits the process
- Leave room for questions
- Speak as if you are being recorded
- Have tissues, notebook paper, pens

- Avoid

- Secluded areas where no one is aware you are interviewing people
- Glass walls
- Allowing bags into the room
- Oversharing
- Answering your phone, email etc.

Witness It-Depends

- Bring a witness with you
- Bring a SME with you
- Meeting afterhours/before hours
- Bring evidence to share/show
- Limit the scope of the conversation
- Allow witness to bring someone with them
- Send them home after the interview
 - Safety of employee or others
 - Gravity of accusation and response
 - Level of personal upset or level of upset they will cause



Common Mistakes for Active Investigation Steps

- Overreacting or underreacting to the initial allegation
- Promising complete confidentiality
- Coming to a conclusion before hearing all the evidence
- Not removing someone from the workplace or removing them too soon
- Lack of speed
- Lack of conclusion



The REPORT

This is not a real case...

Investigative Report

[Investigator Name]
[Location of Investigation]
[Date Finalized]

Make sure you update!

Attachments:

Interviews

[Name of Interviewee]
Interviewed by [Investigator]
Interviewed on [Date of interview]
Reports to [Interviewee reporting chain i.e. Amelia Pelletier > Ali Worster > Kaveri Subbarao]
Role: [witness/accused/reporter/supervisor/third party information]

You will hate this while you are doing it, but will love it if you have to refer back to the investigation...

Use precise language and facts.

Reason for Investigation

[Brief statement of the issue. E.g, Susan Jones (Jones) alleges that Isabelle Smith (Smith) slapped her in the face on June 23, 2026 while in the Manchester office following a verbal dispute. Smith alleges that Jones called her inappropriate names, specifically “bitch”.]



The REPORT

Investigative Process

[Detailed overview of each conversation or action taken, including date and time. Include quotations when there is a specific phrase that is distinctly relevant. Refer to the Investigator in third person by their last name.]

Findings and Recommendations:

[Insert factual findings here, not opinion. You may have to credit one person over the other. It is specific to what you are finding – not an application of the fact to a rule, such as “harassment was substantiated.” Unless otherwise instructed, if there is a finding of potential misconduct it should say “Refer to CPO for review.”]

Findings:

- Based on multiple witnesses testimony and investigator observations, Smith’s account of Jones referring to Smith as a “bitch” is substantiated.
- Based on physical evidence (attachment A), Jones’ account that she was physically slapped by Smith is substantiated.

Recommendations:

Refer to CPO for further review and determinations. [can also be something like, Refer to CPO for Attorney Investigation – but we should talk about that first]

Continue to use precise language and facts.

STILL not a real case...

Just the facts ma’am

This part will come back to get you if you don't follow what you say!



The Investigator HAS to Make Decisions

The investigator determines the end of the interviews and fact-finding section.

There is no such thing as he said she said, you make a finding by not making a finding.



Be
reasonable
and
document.

The investigator must assess credibility – and document the reasons why.

There will be findings of fact (one way or the other).

Thank you!