



What Your Mission Needs to Know About Internal Employment Investigations

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WHY ARE INTERNAL INVESTIGATIONS IMPORTANT?

Investigations Are Part of Good Member Care

1. Give employees confidence that you are caring for them.
2. Root out misconduct.
3. Cultivate the culture.

Investigations May Protect from Legal Liability

1. Create affirmative defenses.
2. Avoid liability for the organization.

Common Mistakes

1. Lack of clear policies
2. Lack of an effective complaint mechanism that employees know about and how to use
3. Ignoring complaints
4. Waiting too long to conduct an investigation
5. Failing to plan the investigation
6. Having a goal to prove (or disprove) the allegations
7. Mishandling confidentiality—this can be disastrous
8. Not conducting additional investigation where necessary
9. Failing to reach conclusions—or reaching legal conclusions (particularly if you are not a lawyer)
10. Improperly closing out an investigation

BASICS OF INTERNAL INVESTIGATIONS

Reporting Process

1. Best Practices for a Complaint Reporting Procedure

2. Other Considerations for Internal Reporting Procedures

Starting an Investigation

1. Identify investigation triggers.
2. Determine whether the matter may be dealt with formally or informally.
3. Consider when or if to bring in HR, leadership, or legal counsel.

Handling the Accused: Considerations Before the Investigation Begins

1. An investigation may not be required in all situations.
2. Address safety issues requiring immediate action.
3. Consider whether it is wise to place the alleged offender on administrative leave.
4. What if the accused wants to resign?
5. Be careful not to retaliate against the complaining party.
6. Possible options for handling the accused.

Building the Investigative Team

1. Designate a point person in the organization.
2. Consider an internal v. external investigative team.
3. Understand the role of legal counsel.

Developing the Investigative Plan

1. What is the purpose of the investigation?
2. How will the outcome be used?
3. Are there relevant policies and procedures?
4. Who will need to be interviewed?
5. What will be the timeframe?

Conducting the Investigation

1. Performing the preliminary review
2. Interviews: General Best Practices
3. Interviews: Talking to the Complaining Person
4. Interviews: Talking to the Accused
5. Interviews: Talking to Witnesses
6. Performing additional review

Findings, Conclusions, and Documentation

1. Create an investigative file.
2. Create a statement of findings.
3. Consider legal conclusions.

Decision-Making and Outcomes

1. Ultimate decisions are made by leadership or the Board.
2. Remedial Action
3. Discipline
4. Termination

Wrapping up the Investigation

1. Communicate the Decision/Outcome
2. Appeals