

Interviewing Witnesses

At the beginning, limit your investigation to persons you think will yield the most information. The first group of witnesses may well provide information that requires additional digging. At the outset of the interview, inform witnesses that:

- You represent the Department.
- The witness has a responsibility to cooperate.
- You may ask for documentation to support statements (email, notes or correspondences).
- The employee will not be retaliated against because of participation in the investigation.

Professional Standards

As you begin witness interviews, keep these tips in mind:

- Be honest about the purpose of the interview, but remember that you are not the one there to provide information.
- Keep questions as general as possible while still obtaining useful information.
- Use open-ended questions including the five Ws: *who, what, when, where, and witness*.
- Do not tell the witness what others have said.
- Be careful not to disclose information in asking your questions.
- Do not intimidate the witness.
- Ask the witness to identify others who may have valuable information.
- Never ensure witness confidentiality—information is shared on a need-to-know basis and will be forwarded to upper management, Legal and Human Resources.
- You may bring along your program manager (your immediate supervisor) or another supervisor to serve as witness and explain this person's presence to the interviewee.
- Document witness interviews. If the interview is conducted under the guidance of counsel, indicate this on all documentation.
- Be thorough and fact-specific. Don't state opinions or conclusions not based on fact.
- Don't make legal conclusions; they can be used against you at a later date. Simply conclude that the person engaged in conduct prohibited by your policy.

Prepare for Attempts to Discredit You

And one more advisory: Be prepared for opposing party that may try to undermine your credibility by questioning both your experience and expertise.

Questions to Ask Complainant:



- **Who, what, when, where, and how:**
 - Who committed the alleged harassment?
 - What exactly occurred or was said?
 - When did it occur and is it still ongoing?
 - Where did it occur?
 - How often did it occur?
 - How did it affect you?

- **How did you react?**
 - What response did you make when the incident(s) occurred or afterwards?

- **How did the harassment affect you?**
 - Has your job been affected in any way?

- **Are there any persons who have relevant information?**
 - Was anyone present when the alleged harassment occurred?
 - Did you tell anyone about it?
 - Did anyone see you immediately after episodes of alleged harassment?

- **Did the person who harassed you harass anyone else?**
 - Do you know whether anyone complained about harassment by that person?

- **Are there any notes, physical evidence, or other documentation regarding the incident(s)?**

- **How would you like to see the situation resolved?**

- **Do you know of any other relevant information?**

Contact the Human Resource Manager for guidance
Or
The Human Relations Office

Questions to Ask the Alleged Harasser:

- **What is your response to the allegations?**
- **If the harasser claims that the allegations are false:**
 - Why the complainant might lie?
- **Are there any persons who have relevant information?**
- **Are there any notes, physical evidence, or other documentation regarding the incident(s)?**
- **Do you know of any other relevant information?**

Questions to Ask Third Parties:

- **What did you see or hear?**
 - When did this occur?
 - Describe the alleged harasser's behavior toward the Complainant and toward others in the workplace.
- **What did the Complainant tell you?**
 - When did s/he tell you this?
- **Do you know of any other relevant information?**
- **Are there other persons who have relevant information?**