

Corporate Compliance Forms and Tools

Checklist for Interviewing a Reporter, Complainant, or Witness

Interviewing the Reporter, Complainant, or Witness

As an investigator, take the following steps when interviewing a reporter, complainant, or witness:

- Introduce yourself by name and (if appropriate) provide your business card or contact information.
- If interview is being recorded, ask for specific permission to record.
- If a notetaker is present for the interview, introduce the note taker and explain their role as scribe.
- Describe your role as a neutral fact finder conducting an investigation into a claim of wrongdoing.
- Identify yourself as a representative of the organization and acting on behalf of the organization in conducting the interview.
- If investigator is an attorney, give an Upjohn Warning to make it clear the investigator represents the organization and not the individual, and explain attorney-client privilege and how it applies to this investigation.
- Confirm the individual believes that you can be impartial and neutral in the matter.
- Provide an overview of the investigations process.
- Provide an overview of this interview, how long it is expected to take, how it will work, what you need from them.
- Set your expectations of them as a witness: that they will be truthful and not misleading; that they will cooperate with you; that they will keep the matter confidential and not discuss it verbally or in writing with other witnesses or employees; and that if they violate confidentiality, they may be subject to disciplinary action.
- Inform them that there will be additional witnesses you will need to interview (do not name names).
- Set the expectation that you will not share their name with other witnesses unless there is no way to avoid doing so, and let them know who you will share your investigation findings with (e.g., them, management, others).
- Describe how other records or information might help you determine what happened and why (e.g., e-mails, voice mail messages, photos and other items).
- Ask if they are aware of any documents or records that might assist you
- Ask them whether they can provide you with a list of names of possible witnesses they think might be helpful. (When they provide this list, ask them what they think each witness can provide. You may need to explain you are looking for people who saw or heard things, not “character” witnesses to vouch for

people.)

- Let them know you will make the final decisions about who to interview.
- Describe the policy against retaliation and what it means to them and what they should do if they have any concern that they are being subjected to any sort of retaliation and the consequences if they retaliate against others.
- Ask questions (who, what, where, when, and why).
- Restate your understanding of the issue they have described to check for accuracy.
- Ask if there was anything you did not ask them that you should have.
- Ask if there is anything else they think you should know.
- Ask them to affirm their account has been complete and accurate.
- Ensure they understand how to contact you if they have questions or additional information to provide.
- Provide an estimated timeline for completion of the investigation and generally describe next steps.
- Explain what they can expect in terms of follow-up and information. Will they be informed when the investigation has been closed? If so, by whom and how?
- Thank them for their time.
- Ask if they have any final questions or concerns.
- Close the interview.

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