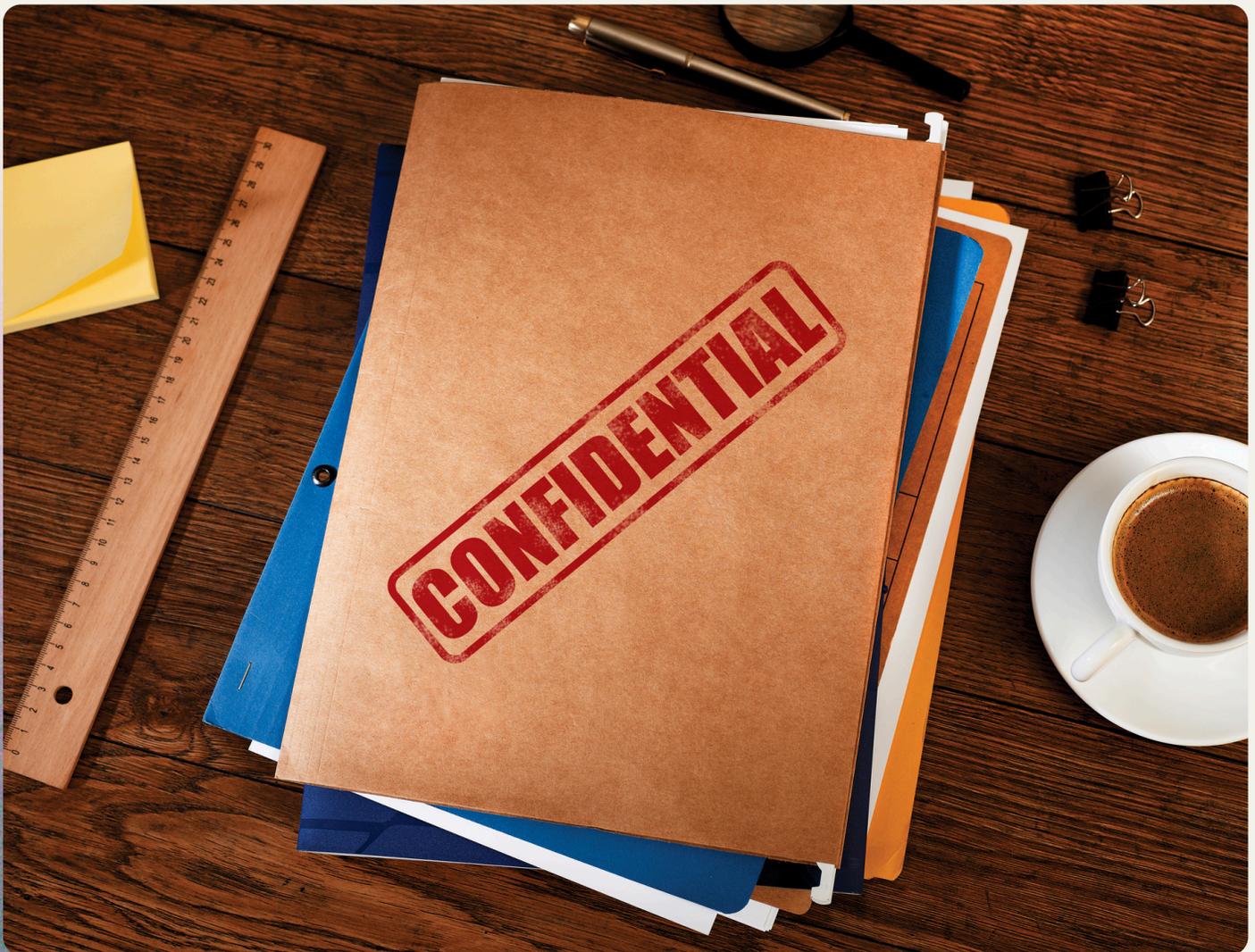


Never Promise “Confidentiality” in an Investigation

Investigation Playbook: Step-by-Step +
Real Examples



Quick Tip: Never Promise “Confidentiality” in an Investigation

This is one I had to learn early in my HR career and honestly, it stuck with me.

When someone comes to you with a concern, especially something serious like harassment, discrimination, or a team conflict, your instinct is to say something reassuring. You want to make them feel safe.

And a lot of people, especially new managers or well-meaning HR folks, default to this line:

“This will stay confidential.”

But here's the truth: you can't promise that. Not fully. And you shouldn't.

What you can promise, and what I always say now, is discretion. I let people know that I'll treat their report seriously and share information only on a need-to-know basis.

That's honest. That's doable. That still protects the person speaking up without making promises I can't keep.

Here's what I typically say in that moment:

“I want you to know I'm going to treat this seriously and as privately as possible. I may need to speak with others in order to look into it and address it, but I'll only share information with people who truly need to be involved.”

And then I pause. Because people need time to process that. Most folks understand once you explain it like that—but they won't if you let them think you're the vault and nothing will leave the room.

I've seen what happens when someone was told a conversation would be “confidential,” and then later HR had to loop in leadership or interview others as part of the investigation. Even when it was handled professionally, the person felt blindsided. Like their trust was broken, even if everything was done by the book.

You never want that.

Especially when someone is coming forward with something vulnerable.



Investigation Activity Sheet

This worksheet helps managers, HR professionals, and business leaders approach workplace investigations with structure and consistency. It walks through the key steps, prompts reflection, and outlines escalation guidelines.

1. Intake Conversation

Goal: Listen, document, and set expectations.

Checklist:

- Thank the person for coming forward.
- Avoid promising confidentiality — instead, promise discretion.
- Use language such as: “I’ll treat this seriously “and as privately as possible. I may need to involve others, but I’ll only share it with those who truly need to know.”
- Ask clarifying questions (who, what, when, where, witnesses)
- Take factual notes (avoid judgmental wording)

Reflection Prompt:

What exact word will you use the next time someone raises a concern to set the right expectation?

2. Planning the Investigation

Goal: Define scope and process.

Checklist:

- Identify the policy or standard potentially violated
- Decide what evidence you need (documents, emails, video, etc).
- List witnesses to interview
- Determine the timeline (how quickly must this be addressed?)

Reflection Prompt:

How do you stay neutral/professional when you already suspect details?

5. Analyzing Information

Goal: Identify facts, inconsistencies; and credibility:

Checklist:

- Compare accounts across different interviews.
- Ask each supporting documentation ahead of time or allocate.
- Remind participants of confidentiality
- List each with HR/leadership/legal as needed
- Evidence suggests criminal conduct

Escalation Process:

Pause the investigation and document why escalation is needed

6. Escalation Guidelines

Goal: Maintain trust and prevent recurrence.

Checklist:

- Compare accounts across different interviews, not sustained or inconclusive
- No significant gaps or conflicting information
- Consult with HR/leadership/legal as needed

Escalation Process:

Pause the investigation while an escalation is needed

7. Closing the Loop

Goal: Maintain trust and prevent recurrence

Checklist:

Investigation Playbook: Step-by-Step + Real Examples

Pair this workbook with your “Discretion vs. Confidentiality” guidance. Follow the steps and use the scripts and examples to move from intake to closure confidently.

Before You Start: Safety, Neutrality, and Scope

- Check for conflicts of interest. If you have a close relationship with a party, escalate to a neutral investigator.
- Choose a private location (or secure video) and remind participants not to discuss the investigation with coworkers.
- Set expectations, you will maintain discretion and share information on a need-to-know basis, no promises of absolute confidentiality
- Clarify scope, which policy or standard may be implicated (e.g. Anti-Harassment, Code of Conduct, Safety)?
- Plan for anti-retaliation, state it in every conversation and monitor after closure.

Script: Thanks for meeting. I'll treat this seriously and as privately as possible, I may need to speak with others, but- I'll only involve people who need to know, Retaliation is strictly prohibited—tell me immediately if anything concerns you.

Example scenario: Used throughout: A team member reports that a supervisor made a derogatory comment about their accent in a public Slack channel.

Step 1: Intake Conversation

- Thank the reporter for coming forward, explain discretion vs. confidentiality,
- Get basics. who, what, when, where, witnesses, ask for any documents or screenshots.

Bad notes example:

Supervisor was discriminatory and obviously in the wrong.” (conclusionary, not factual)

“Supervisor was discriminatory and obviously in the wrong,) (conclusionary, not factual)

STEP 2

PLAN THE INVESTIGATION

- Define the policy potentially at issue (e.g. Anti-Harassment/EEO).
- List witnesses and sequence (reporter → witnesses → respondent).
- List evidence to collect (Slack export, audit logs, prior complaints).
- Set expected timeline and who must be briefed (HR Lead, Legal

Example Plan (excerpt):

Policy: Anti-Harassment & EEO; Respectful Workplace

Interviews: 1) Reporter; 2) Witness A (channel member); 3) Witness B (manager in channel); 4) Respondent (supervisor)

Evidence: Slack message screenshot; Slack admin export for #eng-general; prior Slack history; training records

Timeline: Day 0 intake; Day 1–2 interviews; Day 3 analysis; Day 4 decision; Day 5 closeout

Step 3: Conduct Interviews



- Open with ground rules: discretion, no retaliation, honesty expected.**
- Use open questions; ask for specifics—who/what/when/where/how.**
- Ask each person for others to speak with and any additional evidence**
- Close by summarizing what you heard and next steps; invite follow-up info.**

Opening Script:

"Thank you for meeting. This conversation is part of an internal review. I will share information only with those who need to know. Retaliation is prohibited. Please share what you personally observed, using specific examples."

Sample Questions:

- Reporter: "Tell me exactly what was said." "Where were you when you saw it?" "Who reacted in the channel?" "How did this impact your work?"
-
- Witness: "What did you see/read/hear?" "What was the context?" "Did anyone respond?" "Have you seen similar behavior before?"
-

Respondent: "Walk me through what happened from your perspective." "What did you intend by that message?" "Have you had training on respectful communication?"

Step 4: Collect & Log Evidence

- Preserve originals (screenshots, exports, emails) with timestamps.
- Record how evidence was obtained (source, date, method).
- Avoid editing or annotating originals; create separate working copies.

Sample Evidence Log:

E-01: Screenshot — Slack post in #eng-general, 8/28 2:10 pm — Provided by reporter, saved to secure folder.

E-02: System Export — Slack admin export of #eng-general, 2:00–2:30 pm — Collected via IT ticket #2211.

Step 5: Analyze Findings

- Compare accounts for consistency, specificity, and corroboration.
- Consider credibility: firsthand vs. hearsay, plausibility, corroboration, timeliness.
- Identify policy elements and whether facts meet the threshold.



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Step 6: Decision & Actions

- Classify outcome: substantiated, not substantiated, or inconclusive.**
- Align action with policy & precedent; consider intent, impact, and risk.**
- Document rationale clearly; separate facts from interpretation.**

Sample Findings Language:

“Based on corroborated Slack records and interviews, it is more likely than not that the respondent posted a comment about the reporter’s accent contrary to the Respectful Workplace policy. The allegation is substantiated.”

Action Examples:

- Coaching + written warning
- Mandatory respectful-communication training
- Removal of channel admin privileges
- Performance plan



Step 7: Close the Loop & Monitor

- **Communicate outcomes appropriately (need-to-know; don't share disciplinary specifics with reporter).**
- **Reiterate anti-retaliation; set check-ins (e.g., 2 and 6 weeks).**
- **Update files and store evidence securely.**

Complainant Closeout Script:

"We completed our review. Appropriate action consistent with policy has been taken. We're monitoring to ensure a respectful environment. Retaliation is prohibited—please reach out if you have concerns."

Respondent Closeout Script:

"We've concluded the review. We determined your conduct did not meet expectations. You will receive [coaching/warning/training]. Retaliation or interference is prohibited."



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When & How to Escalate

Escalate if:

- Allegations involve harassment, discrimination, retaliation, or safety issues.
- The accused is in a leadership or executive position.
- There is risk of litigation or regulatory reporting (EEOC, OSHA, etc.).
- Evidence suggests criminal conduct.
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Escalation Example 1 (Legal): Report alleges racial slur by VP during client call.

Action: Pause fact-finding, brief legal, switch to external investigator.

Escalation Example 2 (Safety): Slack DM includes threat of harm. Action: Notify

Security, place parties on paid leave, document steps.



Templates for Communication

Acknowledgement:

- “Thanks for bringing this forward. We’ll handle this as privately as possible and may need to speak with others who need to know. Retaliation is prohibited. I’ll follow up by [date].”

• **Interview Invite (Witness):**

- “I’m conducting a review related to workplace conduct and would appreciate your perspective. This will be handled with discretion. Please share what you personally observed.”

• **Outcome (Complainant):**

- “We completed our review and took appropriate action in line with policy. To protect privacy, we can't share further details. Please report any concerns, including retaliation.”

Outcome (Respondent):

“We concluded the review and determined that your conduct did not meet expectations. You will receive [coaching/warning/training]. Retaliation is prohibited.”



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Templates for Communication

Sample 5-Day Timeline (Small Org)

- Day 0: Intake; preserve evidence; plan interviews.
- Day 1: Interview reporter + first witness; request system exports.
- Day 2: Interview remaining witnesses + respondent; gather docs.
- Day 3: Analyze; consult HR/legal; draft findings.
- Day 4: Decide actions; closeout notifications; set monitoring check-ins.

Common Pitfalls to Avoid

- Promising confidentiality instead of discretion.
- Asking leading questions (“So they were mocking you, right?”).
- Not documenting how evidence was obtained.
- Sharing outcomes beyond a need-to-know basis.
- Delaying action on safety or protected-class issues.

Key Takeaway:

Never promise confidentiality. Promise discretion, honesty, and a fair process. Investigations protect both the individual and the organization when handled with consistency, neutrality, and integrity.