

Laddey Clark & Ryan, LLP

INTERNAL INVESTIGATIONS

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Employment and Labor Practice Group

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When Should You Conduct an Internal Investigation?

Most businesses will have to conduct investigations regarding allegations of wrongful conduct in the workplace. An important aspect of an employer's duty to employees is to conduct an investigation upon the receipt of a complaint or when the potential for a complaint exists. Prompt and thorough investigations, in accordance with company policies and procedures, not only are beneficial for all employees, but also protect the employer should claims of harassment, discrimination, threats or other allegations be made.

Legal counsel should especially be consulted for conducting internal investigations when there is an actual or apparent conflict of interest for the person who generally acts as the investigator within the employer's organization; when a complaint is especially egregious; when discipline or termination is foreseeable; and when criminal charges are likely. Laddey, Clark & Ryan has extensive experience in conducting internal investigations, and providing prompt and thorough reports, for both private and public sector employers.

The Internal Investigation Process

Utilizing a properly trained impartial investigator, without any conflict of interest, and with proper legal expertise, is a crucial step in protecting you. Our internal investigation services include:

- a review of your policies and procedures;
- interview of the complainant, harasser, witnesses and other third parties;
- a summary of all witness interviews and evaluations of credibility;
- gathering and review of relevant documents;
- a chronology identifying key dates, events and employees involved;
- consideration and evaluation of the consistency of witness statements; and
- conclusions based upon the totality of the circumstances.

At the end of the internal investigation, we will provide you with a written report that includes:

- a summary of different parties' positions, including specific allegations;
- facts determined by the investigation;
- an analysis of the allegations and facts;
- a recommendation for appropriate action; and
- proposed corrective action.

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