

Pre- Fact Finding	Fact Finding Interview Preparation	Interview
<ol style="list-style-type: none"> <li>1. Contact HR Consultant.</li> <li>2. Identify Preliminary Issues.</li> <li>3. Visit site of the event.</li> <li>4. Determine violations (laws, regulations, University/Department Policies or procedures)</li> <li>5. Review department files.</li> <li>6. Identify individuals involved: -complainant, witnesses, subject, etc...</li> <li>7. Maintain confidentiality and minimize potential of a retaliation claim.</li> <li>8. Determine other resources.</li> </ol>	<ol style="list-style-type: none"> <li>1. Prepare fact finding questions. (see interview sheet)               <ol style="list-style-type: none"> <li>a. Use open ended questions.</li> <li>b. Narrow focus with follow-up questions.</li> <li>c. Avoid negative questions.</li> <li>d. Refrain from leading questions.</li> </ol> </li> <li>2. Prepare fact finding interview Strategy.               <ol style="list-style-type: none"> <li>a. Give limited advance notice for interview.</li> <li>b. Conduct in a private location.</li> <li>c. Contact UNMPD if there are safety concerns.</li> <li>d. Stop meeting if interviewee requests union representation or brings an attorney.</li> <li>e. Contact your HRC for guidance.</li> <li>f. Determine sequence of interviews.</li> </ol> </li> </ol>	<ol style="list-style-type: none"> <li>1. Conduct interviews in a timely manner. (see interview sheet)</li> <li>2. Establish rapport.</li> <li>3. Discuss Fact Finding Interview Opening and Closing Remarks including Policy 2200, confidentiality, and recording.</li> <li>4. Remain impartial to dialogue.</li> <li>5. Allow for silence.</li> <li>6. Do not rush the interview.</li> <li>7. Obtain background information:               <ol style="list-style-type: none"> <li>a. Ask Who, What, When, Where, Why, How.</li> <li>b. Determine if this is an isolated event or a pattern?</li> <li>c. Obtain relevant documents.</li> <li>d. Obtain witness names.</li> </ol> </li> <li>8. Summarize main points for accuracy.</li> </ol>
<b>Concluding Fact Finding Interview</b>	<b>Post Fact Finding Interview Notes</b>	<b>Revise Fact Finding Plan as Necessary</b>
<ol style="list-style-type: none"> <li>1. Remind the interviewee that they can add to their statement in the future.</li> <li>2. Tell the interviewee to maintain confidentiality.</li> <li>3. Remind the interviewee of UAP 2200 and to contact you if they feel they have been retaliated against.</li> </ol>	<ol style="list-style-type: none"> <li>1. Document all relevant information obtained.</li> <li>2. Type notes as soon as possible after the interview.</li> <li>3. Document any notices given during the interview.</li> <li>4. Document time, place, duration, and who was present during the interview.</li> <li>5. Document the instructions provided at conclusion.</li> <li>6. Interview notes should be <b>factual</b> and not contain opinions.</li> </ol> <p>*Complete Pre-Discipline Checklist (provide link)</p>	<ol style="list-style-type: none"> <li>1. Identify additional documents/data to be obtained.</li> <li>2. Identify additional witnesses to be interviewed or follow-up interviews to be conducted.</li> <li>3. Identify additional follow-up that may be necessary. (e.g. Have new issues been raised?)</li> <li>4. Review witness statements and identify any that were unclear or inconsistent. Re-interview if necessary.</li> <li>5. Review any evidence provided by the subject and consider it prior to any potential discipline.</li> <li>6. Assess and balance material supporting and disputing the allegation/event.               <ol style="list-style-type: none"> <li>a. Determine whether a breakdown of internal controls caused the problem.</li> </ol> </li> <li>7. Create a chronology of events.</li> <li>8. Provide HR Consultant with completed Disciplinary Checklist.</li> </ol>

## Considerations after Fact Finding

### General Considerations

- Is this an on-going issue in your department/unit or an isolated incident?
- Does this concern put other employees or the department at risk?
- Is this a safety concern?
- Are there others that need to be interviewed?
- What have you done in the past to address this kind of issue?
- What kind of precedent do you want to set?

### Other Considerations

- Is this a policy violation?
- Is this a safety concern?
- Does this have Union implications?
- Are laws being violated?
- Is there a conflict of interest?
- Does this need to be reported to the Compliance Office (via the Ethics Hotline)?