

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

YOU WANT ME TO INVESTIGATE WHAT?: HOW TO CONDUCT AN INTERNAL EEO INVESTIGATION

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Th Th Di TODAY'S Tip DISCUSSION Tip Inv	e investigator e investigative plan sparate treatment investigations os investigating hiring/promotion cases os investigating discipline/discharge cases restigation challenges rerviewing riting the report
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THE INVESTIGATOR	

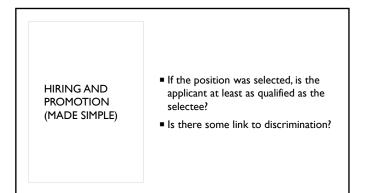


DISPARATE TREATMENT INVESTIGATIONS

TIPS INVESTIGATING HIRING/PROMOTION CASES



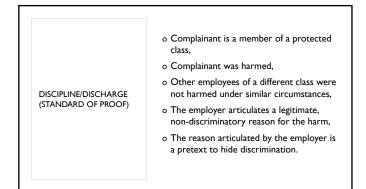
- Applicant is a member of the protected class
- Applicant applied for a job for which she/he met the stated qualifications
- Employer filled the job with someone outside the protected class or continued to seek applications from persons with similar
- Employer articulates a legitimate, nondiscriminatory reason for rejecting applicant
- The reason is a pretext to hide discrimination

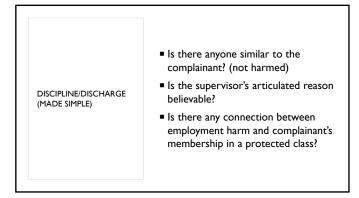


Sue, an accountant, applies for a promotion to a higher level accounting position in another department. The company awards the position to Bob. She is not interviewed. SCENARIO -Sue believes that Bob has less accounting HIRING experience than she does, and they have both have roughly the same tenure with the company. She learns that Jack, whom she does not know and has never worked with, made the decision.

SCENARIO – HIRING A manager interviews Andrew, a 55 year-old, 30-year employee for a computer systems manager position. The manager tells Andrew that he's concerned that he (Andrew) might not stick around because he's already near retirement age. He also makes the comment: "Computers, especially now, are a young person's game. There's so many new things going on, it's hard to keep up." Andrew does not get the job.

TIPS INVESTIGATING DISCIPLINE/DISCHARGE CASES





Bob was fired from his position as a patient case worker for a mental health care provider. He is African American. The stated reason for his firing was that he exhibited negligent conduct detrimental to the efficient operation of the center where he works. Specifically, Bob was four hours late submitting the annual patient report required by the State. It was the first time Bob was late with the report. Bob claims other, non-African-American employees miss report deadlines and were not fired. Jane, Bob's supervisor, made the decision to fire him.

• With whom should we compare Bob?

Diane Cook, a woman, applied for a company-paid fellowship and was rejected. Cook was the third woman to apply and be rejected. The training committee, which considers fellowship applications, stated that Cook was rejected because she failed to meet the prerequisites of having completed 18 credit hours in business administration. The training committee also states that Cook satisfied all other prerequisites, including superior job performance, but that the credit hours were a major criterion under company policies.





CLOSED V OPEN

- Are usually answered Yes or No
- Examples: Do you, Did you, Was she, Is that
- Discover little new information
- Wrap up a subject
- Cut off information flow
- Should be used as little as possible

- Open
 Cannot be answered
- Yes or No Examples:Who,What,
- When, Where
- Discover new information
- Draw out a story
- Keep the witness talking
- Should be used as much as possible

	OPEN
Closed:	Are you a machinist?
Open:	What is your job?
More Open:	Tell me your history with the company.
Closed:	Did you tell John?
Open:	Who did you tell?
Closed:	Is he white?
 Open: 	What's his race?
Closed:	Were you interviewed in person?
 Open: 	Tell me about your interview.

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MISTAKE: SUGGESTING THE "RIGHT ANSWER" (LET THE WITNESS TELL THE STORY)

Bad:Did you report it to your boss?Better:Who did you report it to? Or,Even Better:What did you do?Bad:What did you do? Write a letter?Better:What did you do?

	KE: NEGATIVE QUESTIONS POSITIVE QUESTIONS)	
Bad:	Didn't you tell her to stop?	
Better:	What did you do?	
Bad:	Weren't you going to the office?	
Better:	Where were you going?	
Bad:	That wasn't in July, was it?	
Better:	Was that in July? Or,	
Even Bet	ter:When was that?	

MISTAKE: ASKING FOR CONCLUSIONS OR OPINIONS (FOCUS ON ACTIONS)

Bad:Were you sexually harassed?Better:What happened?

Bad: Did she understand you? Better: How do you know? What did she do?

What did she say? What happened next?

	KE: SLANG OR INEXACT TERMS FY INEXACT TERMS)	
Bad:	Was he talking loudly?	
Better:	Where were you when you heard him?	
Bad:	Where did Joe grab you?	
Better:	What did Joe do? or	
	Where did Joe touch you? or	
	Tell me what happened.	
Bad:	When I made that mistake, she really took my	
	head off.	
Better:	What did she do? What did she say?	

	It is not like interviewing everyone else
INTERVIEWING A	• We're asking people to recount deeply personal and stressful events. Their responses may be influenced by a number of factors:
VICTIM OF A	■Fear
TRAUMATIC	Culture
EVENT	Experience with law enforcement or other institutions
	Language
	Lack of privilege
	Beliefs
	Family
	Not properly interviewing a victim may, at best, hinder our ability to ge the evidence we need, or at worst, it may traumatize the victim further and cause her/him to completely shut down.

COGNITIVE INTERVIEW	The cognitive interview (CI) is a method of interviewing those who have been subjected to trauma about what they remember about the traumatic event. The primary focus of the cognitive interview is to activate the person's memory of the traumatic event and make them aware of all the events that transpired. The cognitive interview aids in minimizing both misinterpretation and the uncertainty that may be seen if other methods of interviewing are used. Cognitive interviews reliably enhance the process of memory retrieval and have been found to elicit memory recollection without generating inaccurate accounts. A cognitive interview explores enotions, visual memories, and elements of a traumatic episode that victims may have put away and have not wanted to think about. The cognitive interview is designed to evoke memories leading to reliable information.
	If you encounter this situation, you should probably retain an expert in cognitive interviewing to obtain the most reliable information.



QUESTIONS

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