



Workplace Bullying: The Interview

1. PHYSICAL SET-UP

- Private Location
- Copies of relevant documents.
- Water, coffee, tissues

2. SCHEDULING

- Be flexible in terms of scheduling interviews, particularly to respond to confidentiality concerns, but balance this consideration against the necessity of a timely process.

3. BEFORE THE INTERVIEW

- Review relevant policies/procedures and the complaint.
- Provide the complaint and the relevant policy and operating procedure to the respondent and advise the respondent of his/her right to respond in writing, as well as orally.
- Set up formal interview times with both parties, advising them of their right to be accompanied by a representative or support person during the interview.
- Advise both parties to prepare a witness list, which you will receive during their interview.
- Receive the written submission of the respondent in advance of his / her interview, if possible.

4. COMPLAINANT AND RESPONDENT INTERVIEWS

- Interview each party separately
- If interviews of parties are back-to-back, allow time so that the parties are not obliged to come into contact while exiting / waiting for interview.
- Promise (and demand) confidentiality from the parties, but explain to the complainant that he/she cannot remain anonymous.
- Explain role of investigator.
- Outline purpose of interview.
- Establish and elicit complete details and nature of complaint from complainant.
- Receive list of witnesses from complainant.
- In respondent interview, provide any additional details of complaint to respondent (as received orally from the complainant).
- Review respondent's written submission with respondent, seek responses to any additional information provided by complainant and ask any necessary clarifying questions.

- Receive list of witnesses from respondent.
- Share any discrepancies with both parties (after witness interviews) and provide a further opportunity to each to respond.
- It is not necessary to disclose specific sources of information, except where the Complainant or Respondent need specifics to defend themselves

5. WITNESS INTERVIEWS

- Employ a consistent process with all witnesses.
- Prepare questions and issues in advance.
- Be prepared to put specific statements / observations the parties attribute to the witness being interviewed in their verbatim form and carefully elicit responses/ confirmation/denial.
- Emphasize the witnesses' duty of confidentiality.
- Explain the possibility that a witness could, if necessary, be required to give the evidence under oath and in a court or arbitral setting.
- Ask witnesses to report observations as opposed to opinions.
- Use fact based statements vs. global statements (late on October 3rd, vs. Always late)
- Outline complaint generally to provide context but avoid revealing specific details.
- Share details relevant to this witness only.
- Ask for corroborating evidence where applicable (memos, notes, e-mail, etc.)
- Do not disclose identity of other witnesses.

Adopted from: Coleman, Sarah. A., Otten, Allyson, L. "An Educator's Guide to Understanding Workplace Harassment."