

Before You Investigate a Workplace Complaint — Run This Checklist

What to do in the first 48 hours — Steps 1 through 4

Why the first 48 hours matter most

How an organization responds immediately after receiving a workplace complaint determines everything that follows — the outcome of the investigation, the organization's legal exposure, and the employee's trust in leadership. Most liability is not created by what happened. It is created by what leadership did — or failed to do — after they found out.

STEP 1 Receive & Record the Complaint

Do this before anything else

- Write down the date, time, and method the complaint was received.
In person, email, HR hotline, or written submission.
- Record the name and role of the person who reported it.
If anonymous, note that it was reported anonymously.
- Document the complaint in the employee's exact words — not your interpretation.
Paraphrasing at this stage creates inconsistency and legal risk.
- Assign a complaint reference number and open a dedicated file immediately.
Every document related to this matter goes in one place from this point forward.

STEP 2 Assess & Classify the Complaint

Determine what you are dealing with

- Determine whether the complaint is a policy violation, a legal claim, or an interpersonal conflict.
Each category requires a different response protocol.
- Assess whether the complainant is at immediate risk of retaliation.
If yes, interim protective measures must be put in place immediately.
- Determine whether the accused needs to be placed on administrative leave pending investigation.
If the alleged conduct is serious, separation of the parties is not optional.
- Identify all potential witnesses — do not contact them yet.
Make a list. Witness interviews come after your investigation plan is fully in place.

STEP 3 Notify the Right People

After you have assessed the nature and severity of the complaint

- Notify HR leadership or your HR Business Partner immediately.
Do not investigate alone. HR must be involved from the first moment.
- Notify legal counsel if the complaint involves potential legal exposure.
Harassment, discrimination, retaliation, FMLA, ADA, or wage violations require legal involvement.
- Do NOT notify the accused employee yet.
Premature notification gives the accused time to influence witnesses or destroy evidence.
- Do NOT notify anyone outside of HR and legal at this stage.
Word travels fast. Every unauthorized conversation becomes a liability.

STEP 4 Secure All Documentation

Evidence preservation starts now — not after the investigation

- Preserve all relevant emails, messages, and written communications.
Notify IT immediately if electronic evidence needs to be preserved or locked.
- Pull all existing documentation on the parties involved.
Performance records, prior complaints, disciplinary history, and previous HR notes.
- Secure surveillance footage, access logs, or system records if applicable.
Some evidence has automatic deletion windows — act immediately to prevent loss.
- Document your own actions — every step you take from this point forward.
Your investigation log is evidence. Date and timestamp every entry without exception.

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Steps 5 through 7 — Investigation planning, communication & critical mistakes to avoid

STEP 5

Plan the Investigation

Complete this before speaking to any witnesses

- Define the scope of the investigation — what specific allegations are being investigated. *Scope creep creates inconsistency. Be precise about what is and is not being examined.*
- Identify and sequence all witness interviews before conducting any. *Complainant first, neutral witnesses second, accused last — without exception.*
- Prepare your interview questions in advance for each witness. *Questions must be open-ended, factual, and focused on behavior — not opinion or motive.*
- Determine who will conduct the investigation and confirm their impartiality. *If the manager is the subject of the complaint, they cannot lead or participate in the investigation.*

STEP 6

Communicate with the Complainant

After your investigation plan is fully in place

- Acknowledge receipt of the complaint in writing. *Confirm it has been received, is being taken seriously, and will be investigated promptly.*
- Explain the investigation process at a high level — without committing to outcomes or timelines. *Never promise a specific result or a guaranteed timeline you may not be able to meet.*
- Remind the complainant of the organization's anti-retaliation policy — in writing. *This documented reminder is your protection if a retaliation claim follows the investigation.*
- Provide the complainant with a named point of contact throughout the investigation. *The complainant should never feel abandoned, ignored, or uncertain about the process.*

STEP 7

What NOT to Do — Mistakes That Create Liability

- **Do not conduct informal conversations with witnesses before the formal investigation begins.** *Informal conversations taint witness recollections and are fully discoverable in legal proceedings.*
- **Do not make promises to the complainant about the outcome of the investigation.** *"We'll take care of this" is a legal promise. Promises you cannot keep become formal claims.*
- **Do not allow the accused employee's manager to lead or participate in the investigation.** *Managerial loyalty — real or perceived — creates bias that will undermine your findings.*
- **Do not delay. Every hour of inaction is documented inaction.** *Courts and regulators look at response time. Delay signals the complaint was not taken seriously.*
- **Do not share investigation details with anyone outside the investigation team.** *Unauthorized disclosure violates confidentiality obligations and compromises your findings.*
- **Do not conclude the investigation prematurely without interviewing all relevant witnesses.** *An incomplete investigation is worse than no investigation — it creates the appearance of a cover-up.*

This checklist helps you respond to crisis and conflict. The CORE Compliance™ Leadership System helps eliminate both.

A checklist tells you what to do in a crisis. The CORE Compliance™ Leadership System builds the infrastructure that prevents crises from happening in the first place — by developing how your managers communicate, document, and lead every day.

Learn more about CORE Compliance™ | www.ccgcorecompliance.com