

Responding to SEA Reports (Internal Reporting and Investigations System)



Tools

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- Tool 2: Adapting report-handling and escalation procedures
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Audience



PSEA/safeguarding/
protection
focal points



Senior
managers



Administration
staff

Tool 1 Model report-handling and escalation procedures

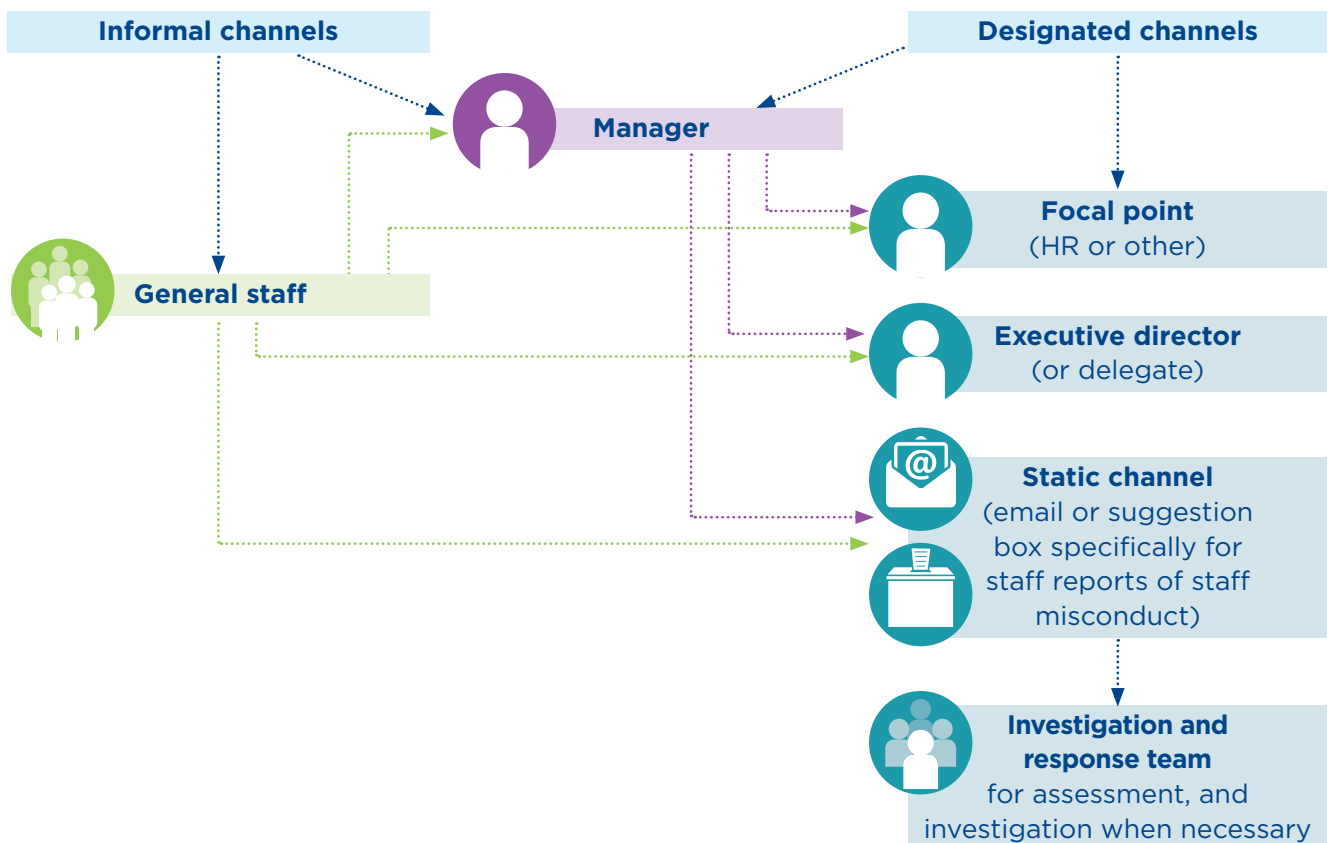
Purpose

The purpose of these procedures is to outline the core principles and steps that should be taken by staff members who receive reports of potential PSEA/safeguarding policy violations committed by staff, partners, contractors or vendors against other staff, program participants or community members.

The goal is to move reports, including widespread rumors, to those responsible for investigation as soon as possible and as directly as possible, involving as few people as possible, until they get to the safeguarding investigation team, in order to best preserve confidentiality.

The goal is to swiftly move reports to the safeguarding investigation team.

Overview of escalation process



Responsibilities

General staff

Staff who are targeted for harassment or abuse: To protect their own confidentiality, staff who experience harassment or abuse should report their concerns through one of the designated channels. Ideally, an organization should have both a static channel for making reports and a focal point who can discuss the process with the victim/survivor. The staff member should also be able to go directly to someone in senior management, or their manager. The staff member needs to be aware that any manager, focal point or senior manager is obligated to follow up on the report, which may require an investigation.

An organization should have both a static channel for making reports and a focal point who can discuss the process with the victim/survivor

Staff who receive a complaint from another staff member: Sometimes a colleague might confide in you about being targeted for harassment or violence.

- Report on your own behalf if witnessed and impacted: You have the right to file a report on your own behalf if you witnessed someone being harassed or abused and it creates an offensive working environment for you. This can also take pressure off the person who experienced it.
- Encourage your colleague to report it directly through an appropriate channel: Help them to find the channel that feels safest. This can include their direct line manager.
- If you feel that your colleague or others are at risk of harm because of another staff member's conduct, consider making a report to the highest level: The targeted person may need to be involved in the investigation, especially if it was not witnessed, but should willingly make that choice. You have a duty to ensure no one is put in harm's way. If you fear the subject of the complaint is causing harm to the victim/survivor and/or poses a similar risk to others, including program participants, you need to make an immediate report to the highest-ranking designated channel (executive director or designate) or use the assistance of the focal point to do so. All actions will be taken with the appropriate respect for the confidentiality, safety, security and well-being of all parties involved, including the reporter.

If you receive a complaint that involves a victim/survivor who is a program participant, child, community member or member of another organization, you are required to report it through the designated channels: It is mandatory to report any concerns, suspicions, widespread rumors or direct reports of potential staff misconduct that targets someone outside the organization, especially in connection with work.

- If the report comes directly from a community member to a staff member, the staff member must escalate to the designated reporting channels within 24 hours, and should inform the community member that as staff they are obligated to do so. The staff member can inform the community member that their identity can be protected in this process, if desired.
- If the report comes through a static feedback, complaints and response mechanism (FCRM), the staff member reviewing it should immediately remove it from the FCRM system—to best protect the privacy of all involved—and escalate it within 24 hours to the designated reporting channels.

See chart below: **Receiving a report from a community member.**

If you are unsure whether the complaint should be reported, discuss your concerns with your designated focal point. Keep in mind that if it is a credible allegation, or suspicious behavior involving serious misconduct, the focal point is required to report it to the investigation and response teams, and will always take the reporter's and the victim/survivor's safety, security and well-being concerns into account when escalating and preparing for next steps.

Managers

Must report to one of the designated channels and should inform the reporter of their obligation: Managers have a duty to immediately escalate all potential safeguarding policy violations within 24 hours to one of the designated channels, as agreed by senior management. Staff may inadvertently or unknowingly report issues to managers, when discussing concerns. Managers have an obligation, especially if a targeted person is directly reporting their issue to the manager, to escalate it to senior management, who decide how best to address the issue. Managers should immediately inform the staff of this obligation.

Managers should be trained on the investigation process, not because they will necessarily be involved, but so that they can convey the necessary information to their teams and help to dissipate any fears or concerns about the process. The manager should always emphasize that the process will take into account the safety, security and well-being of any victims/survivors, and anyone else who may be at risk in this process.

Designated reporting channels

Focal point: A trained PSEA focal point is probably the most important reporting channel. They can help people who have questions or are uncertain about reporting, and advise them on the process if they have concerns. The focal point should always emphasize that all investigation steps will always take into account the safety, security and well-being of any victims/survivors, and anyone else who may be at risk in this process.

Credible allegations or suspicions of particularly egregious behavior (sexual exploitation, abuse or violence, or child abuse) should be shared with senior management in the response team within 24 hours to determine next steps. Should the allegation or suspicion involve any members of the investigation team, they should not be included in the communication update.

Executive director (or designate): Credible allegations or suspicions of a particularly egregious behavior (sexual exploitation, abuse or violence, or child abuse) should be shared with senior management in the response team within 24 hours to determine next steps. Should the allegation or suspicion involve any member of the investigation team, they should not be included in the communication update.

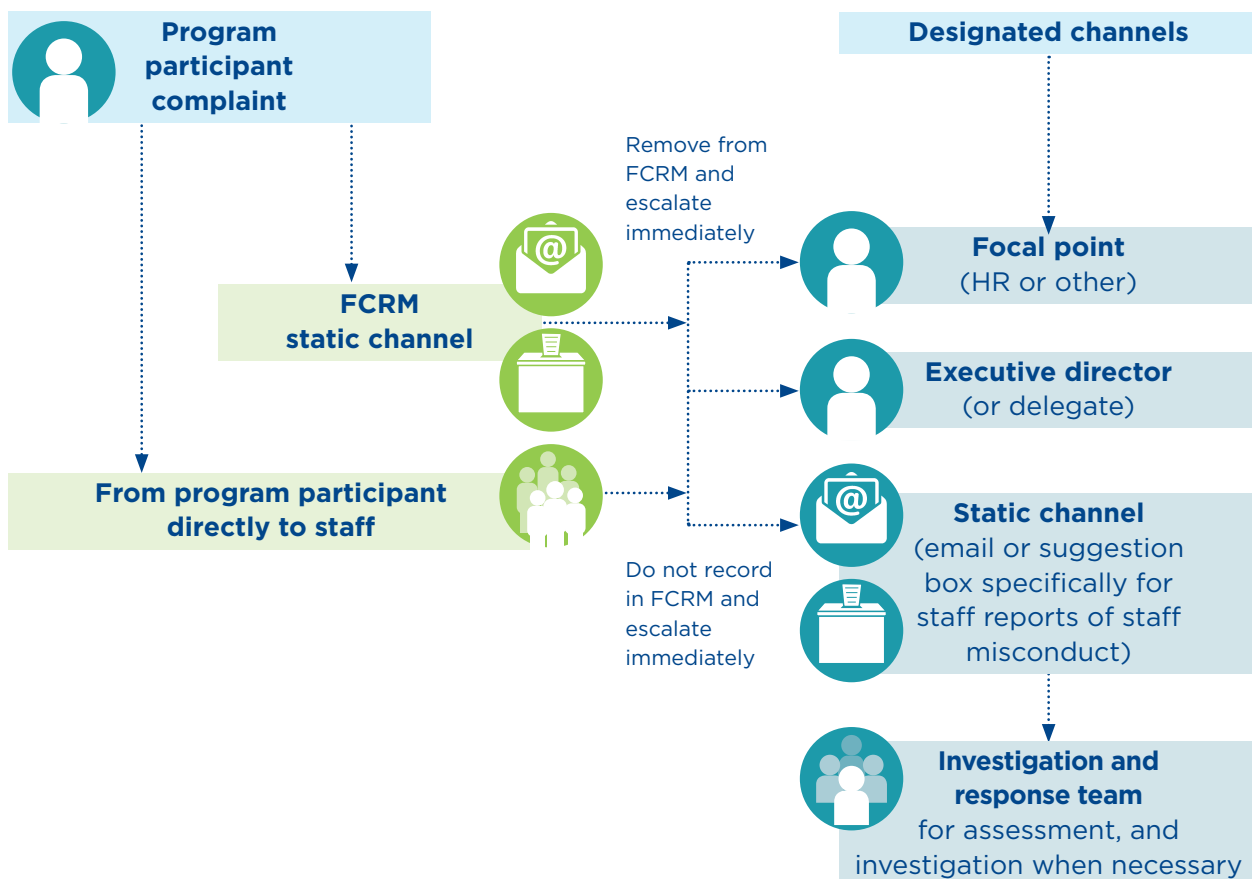
If it is a credible allegation, or suspicious behavior involving serious misconduct, the focal points are required to report it

It is also important to ensure the reporter is appreciated for raising the concerns, and the director should express how seriously the organization takes these issues.

Static channel: The static channel should be monitored regularly by the focal point or other representative on the response team (a member of human resources) to ensure reports are forwarded to the investigation and response teams for decisions on next steps, also within 24 hours of receipt. It should be a dedicated channel for staff to report concerns, and separate from the community-based FCRM. Because of the nature of the community-based mechanism, many staff would be able to read a complaint of staff-on-staff misbehavior, which can breach confidentiality and fuel gossip. The dedicated staff channel might include a special email address or a suggestion box, both of which enable anonymous reports. Such reports should only be accessible by focal points or HR.

Handling SEA complaints in the community

Receiving a report from a community member



Investigation and response teams

Investigation team: It is important to designate focal points to receive complaints and lead an investigation. Sometimes, the composition of the team will need to be adjusted to include special skills (language, interviewing women or children, etc.). To maintain independence, those who may have a close relationship with the reporter or the subject of the complaint or have supervisory oversight should not be involved in the investigation team. Ideally, interviews should include two interviewers.

Response team: The response team should typically comprise those who oversee the investigation, reach conclusions and take any necessary disciplinary action, although the investigation team may make recommendations. Should the investigators need specific documents for review from other teams, typically a member of the response team, as a senior manager, can request such documentation, deflecting the true nature of the request, so as to minimize speculation and exposure of the details of the investigation to other non-related staff. Members of the investigation team then review the documents, as needed. The response team should be limited to three to five senior managers directly responsible for making decisions.

Tool 2 Adapting report-handling and escalation procedures

The following points with questions should enable organizations to define their report-handling and escalation procedure for staff to report PSEA/safeguarding issues or concerns. These questions refer to the Model Report Handling and Escalation Process and should be used in the consultative process with all staff when developing the Escalation Procedure.

Responsibilities of staff

- **Staff reporting their own concerns:** Is the above process similar to the existing one in your organization? What is different? What would be challenging for staff when following the recommended procedures? How would you address those challenges?
- **Staff reporting concerns about incidents they have witnessed or that targeted program participants:** Is the above process similar to the existing one in your organization? What is different? What would be challenging for staff when following the recommended procedures? How would you address those challenges?

Responsibilities of managers

How do your managers currently handle these issues? Do they try to solve them on their own? How well is that working? What are the challenges that you might face with managers in adapting the recommended procedures? How would you address those challenges?

Designated channels

There are three recommended channels for filing a report, apart from through the line manager: focal point, member of senior management and a static channel (email address or suggestion box).

- Is this a similar process to what your organization already has? What is different?
- Who would you designate to those positions? What static channels would you use?
- What do you think would be challenging for staff in the recommended procedures? How would you address those challenges?

Investigation and response teams

- What process would you use to form your investigation and response teams?
- Who would be on these teams? Would you keep them small or draw from a larger pool?
- How would you adapt the teams if one of the member's independence in the investigation might be compromised?

Tool 3 Checklist for managing investigations

MANAGING AN INVESTIGATION

Receive the allegation

Is the allegation credible?



Prepare an investigation plan

Remember safety, confidentiality, criminal conduct, labor law and donor reporting



Identify the investigation and response teams

Trained investigators, language skills, special expertise



Identify support services for victim/survivor

Medical and psychosocial services



Identify interim steps for subject of complaint

Suspend or reassign subject of complaint



Identify risks in investigation process

Safety, operational and program, legal, reputational and media



Identify documents to be reviewed

Program documents, HR records and logs, social media postings, email and phone records, etc.



Identify communication plans

Updates for response team, and communication with victim, subject of complaint, impacted team and all staff



Identify timeline for investigation

Review period, interview period, investigation report finalization



Identify resources needed

People, travel and interview locations, document requests



Identify interviewees, order of interviews and place

First interview complainant, then subject of complaint. Ensure interview location is safe and private.



OVERSIGHT AND SUPPORT OF INVESTIGATIVE PROCESS



Allow investigation team independence

Revise the investigation plan



CONCLUDING AN INVESTIGATION

Factual findings and conclusions

Disciplinary and corrective measures



MANAGING AN INVESTIGATION

Receive the allegation

- Is there enough information that there is a **credible allegation** to begin an investigation? A credible allegation includes enough information to identify the specific, alleged perpetrator(s), specific misconduct and either a specific victim/survivor or a specific target group, within a certain time period. It is credible if it could possibly occur (i.e., the perpetrator had the opportunity to commit misconduct).
- If it is a **vague allegation** that does not identify any alleged perpetrator(s) and/or the specific misconduct, consider:
 - The designated investigator returns to the reporter for more details, especially a third-party reporter; the person who returns to a victim/reporter should be the same investigator for the duration of the investigation; OR
 - If unable to reach the reporter, consider:
 - Broad awareness-raising sessions with potentially involved staff about standards of conduct and reporting mechanisms if they have suspicions of misconduct.
 - Surveys or focus group discussions with the target population about their experiences with the program and staff.
 - Document the review, narrowing down people who could be involved, and identifying any past complaints or HR issues.
 - The investigator conducts discrete interviews with a few staff members to see whether they have any concerns in the field or in the office.
- Once there is a credible allegation:
 - Identify:
 - Potential policy violations.
 - Whether there is potential criminal conduct that requires reporting to law enforcement.
 - Begin preparing an investigation plan.

Information gathering versus investigating

Keep in mind that it can be difficult to distinguish between gathering more information and beginning the investigation. Generally, when you begin interviewing others besides the original reporter, that is an investigation. However, when there has been a very serious allegation (such as an unidentifiable staff member is sexually exploiting or abusing program participants or children in the program), more follow-up may be required before the actual investigation can begin. At a minimum, hold refresher sessions with staff on expected conduct and ways to report misconduct, so that other staff can report if they have observed something. The degree of follow-up should always be proportionate to the type of misconduct alleged. An initial allegation that lacks sufficient detail does not relieve the organization of some degree of follow-up, even if there is not a full investigation.

Prepare an investigation plan

Keep in mind the following points when preparing the investigation plan:

- **Safety of all involved is the priority:** How you conduct the investigation should always consider the safety of the victims/survivors, reporters, witnesses, investigators, the subject of the complaint and colleagues. Safety concerns should determine the order of interviews and the amount of information on the allegations shared with interviewees. Safety is the responsibility of managers.
- **Confidentiality:** Confidentiality is an important part of security. Ensure that only those that need to know are informed of identities, and of the content of allegations and statements made during the investigation.
- **Criminal conduct:** Do the authorities need to be informed or involved in the investigation? You should never jeopardize an investigation that law enforcement will ultimately lead. If the misconduct will be reported to the authorities by either the organization or the victim/survivor, the investigation plan should identify this action and any actions taken to suspend the subject of the complaint, and should list any relevant documents, computers, phones, etc., that have been sought/confiscated. If law enforcement takes the lead on the investigation, you can suspend the subject of the complaint, in compliance with labor law, and await the outcome of the investigation.
- **Compliance with labor law:** Ensure the investigation approach and plan comply with local labor law and internal policies about when the subject of the complaint needs to be informed, type of information shared, etc.
- **Donor reporting:**¹ Is the implicated staff member funded by a donor who requires mandatory reporting of all allegations? Prepare and send the notification of the credible allegation as soon as possible, and inform the donor that you will share a copy of the investigation plan when ready.

Identify the investigation and response teams

- **Investigation team:**
 - **Trained investigators:** There is a team member who knows how to conduct an investigation.
 - **Language skills:** Are there special language skills needed for some interviews?
 - **Special expertise:** If children are involved, only those well-versed in interviewing children, such as a child psychologist, should participate in those interviews.
- **Response team:** This should include only those who will make decisions on outcomes and disciplinary procedures, and have authority to take the necessary actions during the investigation (require interviewees to stop regular work). It will not necessarily include the subject of the complaint's supervisor.

1. USAID encourages implementing partners to report credible allegations of sexual exploitation and abuse to the USAID Office of Inspector General (OIG), as well as to closely consult with the cognizant agreement officer/contracting officer and mission director. See USAID [Fact sheet: Preventing sexual exploitation and abuse](#).

Identify risks in the investigation process

- **Safety risks:** Decide how best to protect the victim/survivor, in accordance with their wishes. (See also below on support services for victim/survivor and interim steps for the subject of the complaint). Decide how best to protect community members and other staff from potential future harm, and what safety concerns there are for witnesses and investigators.
- **Operational and program:** Decide whether the investigation requires a temporary suspension of activities. How will that affect the community? How can the investigation be conducted with the least interference with activities, while also ensuring the safety of community members and staff? What sort of information should be shared to avoid unnecessarily alarming staff and the community?
- **Legal:** There is also the risk that the subject of the complaint may take legal action against the organization, and may have grounds to do so if proper procedures were not followed and there was not compliance with applicable laws. In some cases, there may also be a risk to the victim/survivor of a defamation claim.
- **Reputation and media:** Confidentiality by team members is extremely important and should be stressed because rumors can circulate in the communities, affecting the population's trust in the agency, and even making media headlines. A robust investigation response will help ensure the organization does not receive further negative attention, besides that already generated by the incident itself.

Identify support services for victim/survivor

- **Medical and psychosocial services:** Map services in the area prior to any incidents so that such a referral and contact information can be offered to a victim/survivor as soon possible. If the referral requires the organization to reach out to the service provider on behalf of the victim/survivor, the victim/survivor must consent to the sharing of their information.

Identify interim steps for subject of the complaint

- **How serious is the alleged misconduct?** The more serious, the more you should consider suspension to avoid potential further harm.
- **Has the subject of the complaint threatened the victims/survivors or witnesses?** If threats of retaliation or of more serious harm have been made, consider suspension.
- **How affected is the victim/survivor by the misconduct?** It may be particularly traumatic for a staff member to continue working alongside the subject of the complaint pending the investigation. If necessary, suspend the subject of the complaint as suspension of the victim/survivor could be seen as retaliation for them making the report. Should the victim/survivor request leave, this should be honored.
- **Can people be protected by reassigning the subject of the complaint during the investigation?** For instance, if the subject of the complaint has been accused of unsuccessful attempts to exploit program participants, preventing their access to the field and interaction with participants may be appropriate. This will enable more information to be gathered before the subject of the complaint is informed of the allegations.
- **Suspension of the subject of the complaint will likely require an explanation.** At a minimum, the subject of the complaint will need to be informed of the nature of the allegations and the policies potentially violated, even if not interviewed at the time of suspension. That can suggest to them who may have filed a report against them.

Identify the documents to be reviewed

Safeguarding investigations are typically people-centered, but documents can help corroborate facts, such as times and locations, and provide more context for the investigators to understand the circumstances in which the allegations arose. Documents can also help identify gaps in procedures on corrective measures so that the risk of similar misconduct can be reduced in the future. To protect confidentiality, documents should be requested by senior managers for broader review reasons. Usually, the request should include a broad range so as to limit speculation by those outside the investigation around why they are being requested.

- **Relevant program documents:** If an investigator is not familiar with the program in which the allegations originated, program documents, such as programmatic reports and standard operating procedures will give them an understanding of the scope of program activities and help them understand the rules in place, whether those were followed, and whether that was a contributing factor for the safeguarding violation occurring.
- **Relevant records, lists, logs and attendance sheets:** Corroborating time, place and individuals involved through records or other documents can be helpful evidence. Significant gaps in record keeping or apparent falsification of documents could also be relevant to the investigation.
- **Human Resources files for the relevant parties:** Review HR files for dates of hire, instances of prior misconduct, signed policies (such as code of conduct), and training attendance records on relevant policies.
- **Review public social media postings:** Review public postings on social media, where the subject of the complaint may unknowingly have posted incriminating images or messages.
- **Any documents provided by victim/survivor and/or witnesses:** Victim/survivors may share screenshots of text messages, email messages, social media messages, etc. Similarly, witnesses may be “friends” with the subjects of the complaint on social media, and may be able to provide screenshots of images that might not be publicly available.
- **Searches of emails and phone records:** When appropriate, and consistent with internal policies, searches can be conducted of email records and phone/text logs (where the organization pays for phone bills and receives the records directly). Searches should be done using specific time periods, specific persons in the “to” and “from” lines, and relevant keyword terms.

Identify the interviewees, order of interviews and place

- **Interviewees and order of interviews:** Generally, first interview the person making the allegation (who may also be the victim/survivor), then the witnesses, the subject of the complaint and any additional witnesses the subject of the complaint identifies. When the subject of the complaint is immediately suspended, it may be necessary to interview them earlier on. Some investigators prefer this approach, as the subject's statement is placed on record and can be held against contrary evidence during a second interview. However, there may be a concern that giving the subject of the complaint too much detail at the start of the investigation may allow them to influence other witnesses. These issues should be considered on a case-by-case basis. Here are some considerations:
 - **Most detailed accounts:** Who has indicated that they have the most detail to share about the allegations? Interview them early in the process.
 - **Most cooperative witnesses:** Who seems to be in possession of information that could aid the investigation and appears now, or has in the past been, willing to help counter misconduct. Those closest to the subject of the complaint may share with them information from the investigator. Thus, get as much detail from cooperating witnesses to identify when associates of the subject of the complaint may be providing information contrary to that supplied by most witnesses, and undermining their own credibility.
 - **Interview most team members:** To prevent the reporter of an allegation from being identified, the investigation team may decide to interview all colleagues who work closely with the reporter and not just the witnesses. This helps deflect attention away from a single individual.
- **Interview the subject of the complaint when you have sufficient detail of allegations:** While it may be helpful to interview the subject of the complaint early to place their statement on record so it can be held against later contrary information, it is only helpful when there is sufficient information to credibly make the allegation. If there is a detailed account from the start from the victim/survivor, interview the subject of the complaint earlier in the process, especially if suspending them. However, you may need more details from witnesses to understand the full breadth and scope of the allegations in order to ask appropriate questions.
- **Be cautious about sharing too many details with the subject of the complaint or their close associates if there are safety concerns:** There may be significant security concerns in the community for the victim/survivor or witnesses that may limit the information you can share with the subject of the complaint. Yet, for the subject of the complaint to adequately respond, it is necessary to give them sufficient information of the allegations against them. It can be difficult to balance these needs: you are not required to identify the witnesses; you only need to ask questions about whether or not the subject engaged in certain behaviors, without naming names, which they can either admit or deny. Always prioritize protecting the victim/survivor and witnesses when their physical safety could be at issue.

- **Place:**
 - **When interviewing community members, ensure the location is safe and private.** You may not want to interview them in your office due to concerns for their safety and well-being. If you meet in a public place, ensure there is some privacy so that your conversation can't be overheard.
 - **If interviewing other staff, conducting the interview in the office may be appropriate, as observers would not be able to single out the reporter.** Nevertheless, ensure the interview room is private and that confidential conversations cannot be overheard. If you are only interviewing a few staff member witnesses, conduct the interviews as discretely as possible, which may mean conducting them away from the office.

Identify the resources needed

- **People:** Account for the time staff will need to prepare investigation plans, conduct interviews, take notes, update the response team and finalize the investigation report. If this is not their full-time job, they may need other team members to do some of their work. Also keep in mind the time needed by interviewees to participate and how that impacts on daily and weekly workplans.
- **Travel and interview locations:** Do people need to travel to conduct interviews? Keep in mind those logistical arrangements and the best place to conduct interviews, and whether an off-site, confidential location needs to be identified.
- **Document requests:** Keep in mind the time it may take to secure documents for review.

Identify a timeline (or estimate) for the investigation

While an investigation should be started and concluded as quickly as possible, there are often unforeseen issues, such as the ability to secure the availability of a trained investigator, new witnesses arising, and the necessary time for document review and writing an investigation report, especially when juggling other duties. Be realistic about the duties of your staff when setting the timeline. The more complicated cases may take longer.

- **Period for review of related documents and materials:** This may need more or less time, depending on how well the investigator knows the context and circumstances of your work, and whether there is a lot of analysis of documents.
- **Interview time period:** It is best to conduct all interviews within a limited period, as word will get around quickly.
- **Investigation report finalization:** Consider the length of time needed to compile the final report.

Identify communication plans

While each communication plan does not need to be done in great detail, it is important to think about the different messages you need to share with different audiences, while maintaining the greatest amount of confidentiality.

- **Updates for response team:** In outlining communication plans, it is important to discuss how the investigation team will regularly update the response team, especially when security, confidentiality or issues arise during the investigation that need senior management support. Depending on the seriousness of the allegations, daily to bi-weekly (twice a week) updates could be scheduled, with at least one member of the investigation team and one member of the response team.
- **Communication with victim/survivor:** It is important to designate a single point of contact with the victim/survivor. After their initial interview, it is important to provide a rough timeline of how long the investigation is expected to take, and when they can expect to hear back with an update. It is also important to provide regular updates to the victim/survivor, especially if the timeline changes. While results of investigations, including disciplinary actions, are typically confidential, it is becoming more common to share the final results with the victim/survivor so they understand what happened in the case. In cases involving sexual harassment of a staff member, it is also becoming more common to ask the victim/survivor about their expectations for resolution of the case, especially if they would like to explore a restorative resolution process.
- **Communication with the subject of the complaint:** If the subject of the complaint is suspended, they should be informed of the nature of the allegations (from a code of conduct violation to mentioning the specific policy provisions), with the specificity depending on the need to protect witnesses/gather more information balanced with procedural concerns in policies and required by applicable law.
- **Communication with impacted team:** Sometimes allegations require interviewing a whole team, and even suspending activities to do so. That team deserves transparent communication—even if that communication simply describes that there have been some allegations received, explains that they must be followed up on, and that the team’s cooperation is expected. Explain that you can’t share more, because these types of inquiries are always confidential.
- **Communication with all staff in the organization:** Similarly, a certain amount of transparency with the entire staff may be required, as the investigation may become public. This depends on the degree to which investigative actions can be done discretely as opposed to becoming common knowledge. Remember that in the absence of communication, people will speculate. This is a chance to send the message that the organization takes such allegations very seriously, will act swiftly with investigations and ensure anyone who has violated policies and expectations about safe and professional behavior will receive appropriate sanctions.

OVERSIGHT AND SUPPORT OF INVESTIGATIVE PROCESS

Allow independence of the investigation team, with regular updates, including requests for additional support, with the response team. While the investigation team should be allowed to do its work reviewing documents and conducting interviews, regular updates with the response team can help identify any additional resources needed and any additional documents for review, and allow continual review of safety and confidentiality concerns that may arise.

Revise the investigation plan with additional interviews and document requests as needed. The investigation team should allow sufficient time in the schedule planning to accommodate additional interviews with persons of interest who are identified during the interview process. The investigation plan can be continually revisited to add additional allegations, documents, evidence reviewed, and interviews conducted.

CONCLUDING AN INVESTIGATION

The investigation team prepares factual findings and can make recommendations on conclusions of violation of policy, disciplinary sanctions and corrective measures.

Factual findings

The bulk of the work of an investigation is making factual findings.

- **Use a reasonable inference standard:** To determine whether something did or did not happen, use a reasonable inference standard: it is also called a “more likely than not” standard. When drawing those reasonable inferences, also look to possible motives and logical inconsistencies. Does the explanation make sense, especially if all other evidence leads to another inference?
- **Corroboration of evidence:** Major facts should always have some corroborating evidence: another witness; written documentation; another person recounting events close in time to the actual occurrence that are consistent with the current story. Not every element may be able to be corroborated, because these types of incidents usually occur in private and without witnesses. But often there is a pattern of conduct leading up to it, or parts of the behavior that can be corroborated. That type of corroboration lends credibility to the victim/survivor and/or witnesses. When most of the victim/survivor’s story can be corroborated, by reasonable inference, you can conclude that the part which no one else observed likely happened.
- **Citing contradictions and untruths:** In addition to citing the corroboration aspects, be sure to point out when people’s stories are contradicted by nearly every other witness. People who are not telling the truth begin by lying about minor details that they don’t think they should admit to (but actually don’t matter to the investigators). When they tell what is clearly a lie about something unimportant, it casts doubt on their credibility.

Conclusions

- **Substantiated:** After analyzing the factual findings, is it more likely than not that there was a policy violation? Do the facts add up to the definition of sexual exploitation or abuse or sexual harassment? *More likely than not* means that one version of the story is more probable than the other, because there is sufficient corroboration of sufficient details (not necessarily all).
- **Unsubstantiated:** After analyzing factual findings, is it more likely than not that there was NOT a policy violation? When the facts are added together, was there NOT a policy violation? *More likely than not* means that one version of the story is more probable than the other, because there is sufficient corroboration of sufficient details (not necessarily all). These are the cases in which either the facts as stated and corroborated by the victim/survivor or witnesses did not violate policy OR it is more likely than not that NONE of the facts alleged occurred at all. This can border on a malicious complaint if filed by a staff member, and could be considered for a separate investigation and disciplinary sanctions if the person knowingly lied.
- **Unsubstantiated for insufficient evidence (inconclusive):** This is a common finding: the evidence presented by the victim/survivor is compelling and credible, but there is no way to independently corroborate any detail provided. It still leaves concerns of potential misconduct, and there is often lesser, substantiated misconduct that can be corroborated and potentially disciplined.

Response team needs to take ownership of conclusions, disciplinary measures and corrective measures

Consider disciplinary sanctions

- **Ensure compliance with applicable laws:** While the investigation may reach the threshold required by the organization's internal standards for employment to be terminated, some countries' laws may require more proof before this can occur.
- **Weigh up these factors:**
 - Seriousness of the misconduct (exploitation, violence, extreme harassment)
 - Prior misconduct
 - Frequency of misconduct
 - Position of the subject of the complaint: the higher their position, the greater is their obligation to treat people with respect and dignity
 - Internal procedures and practices
 - Ability to accept responsibility and reform versus continued denial
- **Consider possible sanctions:**
 - Termination of employment
 - Unpaid suspension
 - Demotion and/or ineligibility for promotions for prescribed time period
 - Transfer of duties and/or location
 - Warning letter to file
 - Training requirements
 - Counseling requirements
 - Performance plan
 - Participation in restorative resolutions

■ **Corrective measures**

Look at ways to mitigate future occurrences of such behavior:

- Trainings with staff on policies
- Awareness sessions with program participants and communities on their rights and responsibilities, including how to report concerns about programs or staff
- Strengthening feedback, complaints and response mechanisms in communities
- Strengthening internal reporting systems on staff misconduct
- Ensuring gender balance in recruiting staff in the field and to positions of authority
- Adjusting procedures and protocols to ensure staff are not alone with program participants of the opposite sex
- Reinforcing trainings for managers for red-flag behavior that they should stop before it escalates

Tool 4 Example investigation management worksheet

Issue	Who	What	When	Where
Consider whether a vague allegation needs further information before being deemed credible				
Mark donor notifications, where necessary				
Establish investigation and response teams				
Conduct risk analysis on safety concerns and program activities				
Decide whether support services are needed for victim/survivor				
Identify interim steps for the subject of the complaint				
Identify documents for review				
Identify interviewees, including place and order				
Identify timeline				
Identify resources needed				

Update plan between investigation team and response team, including on security concerns				
Plan for communication with victim/survivor				
Plan for communication with impacted team				
Plan for communication with all staff				
Plan for communication with the subject of the complaint				
Ensure continued oversight and support of investigation steps (interviews and document review)				
Conclude the investigation with findings, conclusions and recommendations in investigation report				
Implement disciplinary sanctions				
Implement corrective measures				

Tool 5 Investigation plan

Date: Date prepared

Case number: Using internal case-numbering system

Location: Specific office/location involved

Investigation team: Names of people involved in the investigation process: those conducting interviews and analyzing information

Response team: Names of people involved in managing the investigation, including obtaining the necessary resources, securing any needed resources/documents for review in a discrete manner, and making decisions on the outcomes (conclusions of policy violation, disciplinary sanctions and details of corrective measures).

Investigation objective

“To examine the facts and circumstances and determine the accuracy, scope, and completeness of the allegations and, if true, to ensure that the full scope of the misconduct is identified, appropriately addressed and corrective measures put in place.”

Allegations

Each potential incident and/or policy violation should be identified separately and numbered. A brief citation of the potential policy violation should also be included. Try to write briefly, concentrating on who, what, when, where, how it was reported, and how it is known, if reported by a third party.

- **Complainants** (where known) If there are specific concerns about security, their names could be withheld in this document and referred to by status (staff, female program participant, male child program participant, etc.)
- **Subject of the complaint** Name, position and program (if relevant)
- **Steps taken prior to current investigation phase** Here it is important to detail the steps that were taken prior to preparing the investigation plan. Include date, action, involved persons in chronological order.
 - For instance, if there needed to be a clarifying conversation with a reporter, or if there was an awareness session done with staff that produced more specific allegations against a specific staff member.
 - It should include any referral support you provided to the victim/survivor, and advice on the right to file a criminal complaint if criminal conduct was involved.
 - Steps taken for safety concerns or to protect the integrity of the investigation should be listed: it can include suspension or reassignment of the subject(s); leave granted to victims/survivors; no-contact orders for the subject of the complaint with victim/survivor.
 - It should also include any reports to donor agencies about the allegations.

Donors and grants potentially affected

For the subject of the complaint, identify the donors and grants that fund their salary. Where donors have mandatory reporting requirements, ensure that the donor notification step is included above.

Investigation approach

Background and context

This can be more relevant for investigators who may not be familiar with the local context of the program and operations. The investigation team will begin by obtaining an understanding of the potential timeframe, operational context, and environment in place as they relate to the allegations. Activities will include the following:

1. Finalize a timeline showing:

- Tenure and relationship of key staff
- Key events (complaints, security incidents, extended absences, etc.)
- Timing of the issues cited in the allegations or otherwise related to the allegations

2. Review:

- Local policies and procedures to understand roles, authority level and reporting lines of each staff
- Any programmatic documents about the scope of the program affected

Specific allegations

After obtaining an understanding of the background and context, the investigation team will examine the allegations to determine the extent to which policies may not have been followed and whether wrongdoing occurred. As each allegation is addressed, the scope of the investigation may need to be expanded.

1. Document review: Can include things such as:

- HR files for subject of the complaint, complainants, and reporters (where relevant)
- Standard operating procedures for applicable program activities
- Standard procedures for operational activities (procurement, finance, logistics, etc.)
- Safety and security protocols
- Logs of complaints for the feedback, complaints and response mechanisms
- Monitoring and evaluation reports, especially survey results and/or raw data from surveys
- Drivers' logs, guesthouse logs, invoices, expense reports, program participant distribution lists, program participant registration lists, training attendance sheets, etc.
- Documents or documentation provided by reporters or witnesses

2. Interviews: List all identified persons for interview known at the beginning of the investigation. Additional interviewees may be identified as the investigation proceeds. Refer to *Interviewing tips and techniques* and *Checklist for managing investigations* for tips on scheduling the order of interviews.
3. Electronic records, if needed: Should the investigator determine it is warranted, access to and review of emails or phone records that might contain evidence of the wrongdoing will be obtained, in accordance with local law.
4. Investigation timetable: Investigations can change and run into obstacles, so try to include broad and realistic ranges for things such as document review, conducting interviews and finalizing the report.

Tool 6 The PEACE model of investigation interviews

The PEACE model was developed in the early 1990s as a collaborative effort between law enforcement and psychologists in England and Wales. It was conceived as a way to reduce the number of false confessions that were resulting from an overly aggressive style of interviewing. PEACE stands for Prepare and Plan, Engage and Explain, Account, Closure and Evaluation.

Prepare and Plan

Before beginning any investigation interview, ensure you have deep knowledge of the case.

- Create a schedule of topics you will need to cover.
- Identify the purpose, aims and objectives of the interview.
- Decide what needs to be proven or clarified, what evidence is available and where it is, and how to get any other evidence needed.

Engage and Explain

- Build rapport with the interview subject by introducing yourself and anyone else present and explain the purpose of the interview.
- Engage the interview subject in conversation to set a relaxed and non-confrontational tone that makes the subject feel comfortable and willing to communicate.

Account

Find out what happened by asking your interview subject to recall the event in full detail.

Encourage the subject's recollection using one or both of these two methods:

- **Cognitive approach** Ask the subject to describe the event. Don't interrupt or ask leading questions, but use pauses to encourage the subject to fill in gaps. Then, ask them to recall the event again, but in reverse order or from a different perspective.
- **Conversation management** Ask the subject to tell you what happened. Then divide the story into sections and ask for more detail about each section. Probe and summarize each segment to fill in all the gaps. Ask the subject to clarify any contradictory information.

Closure

- Summarize the main points of the subject's account and allow them to correct errors or provide additional information to clarify any inconsistencies.
- Answer questions and address any concerns they may have. Thank the subject and explain the next steps.

Evaluation

Evaluate each interview and the information provided. Take this opportunity to reflect on your performance and identify areas where you need to improve.

- Did you achieve your objectives?
- Were you successful in building rapport?
- Do you need to conduct more interviews or make other inquiries?

Tool 7 Interviewing tips and techniques

Preparing for interviews

- **Topics to be covered:** Be sure you have as much information as possible about the details of the allegations: dates, times, places, words used, actions done, witnesses present or nearby, who else the victim/survivor spoke to about the incident, etc. Prepare a question list, but don't forget to ask follow-up questions for the necessary details. Understand the details of the allegations and pursue this as an exercise in gathering the full story from different perspectives. A good interviewer requires good critical thinking skills to respond to statements made, and should not simply follow a list of questions.
- **Review documents as much as possible prior to conducting interviews:** If dates on logs, statements made in text messages, or other such information can be helpful to corroborating and/or establishing facts, it is good to review it prior to relevant interviews, if possible. If that is not an option, ask the interviewee if they could attend a potential second interview, should there be any additional questions or help you might need.

Establishing rapport



Thank the witness for attending the interview

Thank you for coming today and speaking to us/me. We very much appreciate your willingness to speak with us today and help us.



Introduce yourself Explain who you are, offer your card with contact details, and introduce any other investigators, observers or interpreters present.



Honesty and accuracy Staff have a duty to cooperate and an obligation to tell the truth. For witnesses who are not staff members, simply thank them for their time and explain it is important for them to be accurate.



Confidentiality Staff members have an obligation to refrain from communicating with other persons interviewed in the framework of the same investigation. Explain that the investigation process is confidential for both witnesses and investigators alike. Describe who you are, as the investigator, and who you may have to share information with and why. If they are staff witnesses, explain that breaching confidentiality can result in disciplinary measures. Non-staff witnesses cannot be obliged to maintain confidentiality, but the investigator should explain the importance of confidentiality to a fair process.



Purpose of note-taking

Explain who will be taking the notes, e.g. the interviewer or the second interviewer. Explain that the purpose of taking notes is to ensure accuracy when the investigation report is written up and to offer the witness a chance to verify the accuracy of what is written in the statement.



Acceptable to state when answer is not known

Clarify to the witness that it is acceptable if they cannot remember or do not know a particular piece of information.



Fine to ask for short break

Tell the witness where the bathroom facilities are, offer them water, and explain that they can ask for a short break if they need it.



Open with general questions Start by asking non-threatening questions to put people at their ease. *For staff*, usually start by asking how long they have been employed by the organization, the types of roles they have had and what their current duties are. Ask for some detail about their current duties and how they carry out their work, in preparation for more pointed questions later about whether they have any concerns about other staff in specific types of activities or behaviors. *For non-staff*, ask them a bit about themselves, their background, and how long they have been living in the community.

Free narrative technique

Approach the interview as if you were a journalist seeking to understand what happened, not a police officer trying to coerce a guilty confession.



Research has shown that people who are telling the truth generally have a lot of details to share, and are very willing to do so when given the chance to speak freely.

“Opening the door”

Sometimes, you may not be sure what a witness may have to share, and whether they will be truly confident about their statement. Ask them if there is anything that they have seen that raises concerns that they would like to share with the investigator. They will likely tell you the story and what they know about the allegations without you ever having to ask them directly.

Conversation management

While it is important to let people tell their story, you may need to interrupt them from time to time to ensure that you get all the necessary details: who was present, what happened, what was said, when and for how long, where, how they know this. For every piece of evidence stated, you should at least try to have the interviewee cover all of these points, to the best of their ability. Exact dates can be hard to remember, if not documented, but sometimes, even rough estimates of time periods can be helpful in setting the stage.

Specific questions

In some settings, the interviewee may already know what you are investigating and you can begin by asking more specific questions. Some may need further encouragement in the areas you are exploring. When you move onto specific questions, there are two types:

- **Open:** For example, *How did things go in distribution in the last month? Did anything concerning happen? How are the gender dynamics in the office? or Tell me about the events that happened last Wednesday afternoon at the office.*
- **Closed:** These are questions that ask for specific details, and are usually part of follow-up questions or conversation management: For example, *Who else was present? Did you personally witness these events? Where were you standing?*

Details on small incidents or minor things can be telling

When some witnesses give you small details about behaviors that could be connected to misconduct, but are not misconduct in themselves, subjects of the complaint may even deny those in their attempt to avoid all suspicion, even though there is overwhelming evidence that those actions took place. Such lies, even minor ones, can undermine their credibility and should be taken into account when weighing the evidence.

Special considerations when interviewing victims/survivors



Keep away from “why” questions and use “what” questions instead.



Take breaks if there are signs of retraumatization.



Convey empathy while maintaining an objective view of the facts.



Recognize that their experience and telling their story has had an impact on them.



Explain the process without making promises and explain when there will be an update.



Let them know who they can contact if they have questions.



Especially in the case of staff, ask about what they would like to see happen.



Ascertain their safety concerns and whether they need medical or psychosocial support services.

Be sure you have the details

- The details are vital as they can be corroborated by documentation or other witnesses.
- Consider asking an interviewee to draw a scene or occurrence; those who are lying may have a harder time drawing and keeping the story consistent.
- Be sure to periodically repeat statements and facts back to the interviewee to ensure that you are capturing details correctly.

Be strategic with confrontational questions

- Providing information at the beginning of an interview can allow the subject of the complaint to quickly craft an alibi consistent with the evidence.
- Don't challenge the person until the end.
- At the end, present the person with inconsistencies, incriminating statements, and/or incriminating evidence.
- At the challenge stage, present the evidence piece by piece; don't overwhelm them with all of incriminating evidence at once.
- Sharing the evidence incrementally increases the likelihood that a person will make additional inconsistent statements.

Summary and closure

Examples of statements and questions with which to close the discussion:

- *I am going to sum up now, please tell me if I get anything wrong.*
- *I have summarized what I think I heard you say. Did I leave anything out? Would you like to correct anything?*
- *Do you have any questions for me?*
- *Thank you for your time.*
- *Is it okay to contact you again if I have any further questions?*

Tool 8 Investigation report template

Executive summary

An executive summary is a concise overview of the investigation from inception to conclusions and recommendations, and is only necessary when the report is long. The summary provides the key talking points for those in senior positions to understand the basic results of the investigation. It should be written last, and address the following points, in brief:

- Allegations
- Time period of investigative actions
- Factual findings
- Conclusions
- Recommendations (including disciplinary sanctions)

Allegations

This is a summary of the allegations, as contained in the investigation plan. If additional allegations surface during the course of the investigation, they should also be added, with an explanation of how they arose. If there are multiple allegations, each should be listed with a separate heading, and discussed and analyzed separately, even if some of the evidence is overlapping.

Investigation and response teams

List the members of the investigation and response teams.

Background of activities

As the report may be shared with donors, include a couple of short paragraphs about the scope of work of the organization generally, and a brief description of the program in which the allegations arose.

Steps taken prior to investigation

This can be taken from the investigation plan, adding in any additional steps that were taken after the investigation plan was written, but before the investigation began.

Relevant policies and procedures

Include excerpts of the applicable policies that may have been violated. Mention the relevant procedures, protocols, etc., to identify what is working, and what needs corrective measures.

Investigative measures taken

List:

- Documents reviewed, detailing any specific analysis, and attach annexes of spreadsheets or other data that is analyzed
- Names and positions of interviewees
- Any notable challenges in conducting the investigation (unavailable witnesses, documents, etc.)

Factual findings

This is the most important part of the investigation report, as the main task of investigators is to gather the evidence and determine the facts. Instead of necessarily grouping by allegations, one approach is to list each fact with an independent heading, and if there are sub-points to those facts, create a separate heading.

For each fact and heading, describe the main evidence that supports that factual finding. Identify corroborating evidence in other witness statements or documents. Present any evidence, such as statements to the contrary. Draw logical and fair factual findings based on the evidence. You can consider both motives and logical inconsistencies. Remember the standard is reasonable inference, which means which story is more likely.

Reports are more manageable when broken down fact-by-fact rather than reciting all of one person's story and then another's. Tell the story, fact by fact.

Use this chart to help track what the facts are, what corroborates them, what is contrary to them and whether that is corroborated. This should be kept separately from the investigation report, but can be a helpful tool when working toward corroborating factual findings using a logical and consistent method.

Fact	In support of	Corroboration	Contrary to	Corroboration	Finding

Recommendations

Conclusions

In most cases, you will discuss your factual findings with the response team to determine whether you can conclude that there has been a policy violation. They will ask you to include those conclusions in the final report. If the factual findings have been clearly explained, the conclusion section is just determining whether those facts meet the definition of a policy violation. The choices are substantiated, unsubstantiated, or unsubstantiated for insufficient evidence (inconclusive).

Disciplinary sanctions

If there was minor policy violation, a severe disciplinary measure does not need to be imposed. Some managers may want to minimize disciplinary measures if there was a policy violation on a minor issue. However, it can send the wrong message to the victim/survivor if there is a lack of understanding of how the disciplinary measures are applied. All sanctions should always be proportionate to the severity of the misconduct.

Ensure compliance with applicable laws: While the investigation may reach the threshold required by the organization's internal standards for employment to be terminated, some countries' laws may require more proof before this can occur.

See *Considering disciplinary actions* above.