Guidelines on Interviewing Techniques

The first step -- before you schedule the interview -- is to collect as much information on the topic as possible. In preparing your CIP, information has been gathered from a variety of sources. This information must be analyzed to provide a logical scenario. Outline the facts you already know, and particularly the facts you think you know but about which you are unsure. From the outline, identify the "holes." They will provide obvious questions for the interview not previously identified in your CIP. This will also provide an opportunity for you to identify those facts which need corroboration.

After your preliminary research, write out the questions, in logical order, that you will be asking during the interview. Combine them into related areas so that you have no more than 10 general questions. Each general question may then be subdivided into three to five more specific questions that you will use to direct and control the interview.

1. Putting Yourself at Ease

Some investigators have expressed concern about how to lessen the build-up of anxieties before and during various interviews which tend to interfere with their investigative skills. Although it may be impossible to do away with feelings of anxiety completely, in this situation there are certain techniques which might minimize their disruptive effects.

- o Remember that the purpose of an investigative interview is to gather information, not to interrogate a witness like an attorney. As such, you do not have to play the "heavy." Instead you can create a posture which allows you to be open with the interviewee and receptive to the information offered. This does not mean that all the information given is of equal value or usable, but this open posture might increase the likelihood that some information will not be withheld. If you assume an adversarial position at the beginning, on the other hand, this opportunity might be lost.

- o Be prepared that sometimes managers and supervisors will have attorneys present and that these attorneys might not allow the official to answer many of your questions. Do not let this disturb you. You may not get all the information you desire at this time, however, it may be more important in the long run to focus on letting the supervisor know that you acknowledge the constraints he or she is under and that you do appreciate receiving any possible information at this time. In the end, the supervisor might be more willing to respond.

- o Try not to prejudge the interviewing situation and expect specific reactions from the interviewees. Preconceptions most often result in narrowing the focus of the interview prematurely and thus restricting the flow of information. Also, if your pre-interview expectations are firmly set, any unexpected information or change of direction might surprise and disturb you, making it difficult for you to adapt to the situation and clearly understand the facts as given.

2. Introduction and Framing

Perhaps one of the most crucial steps in conducting an effective investigative interview is to clearly identify yourself as a professional to the interviewee and to explain carefully the purpose and process of this investigatory interview. Although these skills might seem elementary to some investigators, without their mastery, the task of gathering needed information from the interviewees might be very difficult.

(a) INTRODUCING YOURSELF TO THE INTERVIEWEE.

There is no prescribed way in which an investigator should introduce himself or herself to the interviewee. Each interview situation as well as each interviewee will be somewhat different and may require a slightly different approach. One has to remain flexible. There are, however, some basic steps some investigators have found helpful in introducing themselves to the interviewees.

o Some investigators feel that you should have your Department of Labor identification handy, in case management asks for it. Others feel that you should present your professional credentials to each interviewee at the very beginning whether or not it is asked for.

o A brief description of your role as a representative of the Department of Labor is helpful. This should include a statement of your role as the investigator of a complaint of discrimination. Skilled investigators warn against giving a lengthy or detailed account of their responsibilities, since this often confuses the interviewees. (Be attentive to the interviewees' reactions while explaining your job. If you sense you are losing them, repeat the essential duties and bring the description to a close.)

o Establishing the proper tone or manner of expression at the beginning of the interview is crucial. This will often vary with the investigator's personal style as well as with the interviewee's reaction to the interviewing processing itself.

o Anticipate and plan for a response to questions, especially about the process of selecting interviewees. (For example, often the interviewee is unclear why he or she has been chosen from the staff or from among the participants to be interviewed. Since the interviewee needs reassurance, at this time, briefly explain the specific reason for his or her selection, or indicate that he or she was chosen randomly from among the group, or that a party to the complaint suggested he or she may have some information. Sometimes when individuals learn that a Federal Government representative is coming on-site, they may approach you during their interview with a formal complaint. Since the reason or your visit is to gather information, not to solicit complaints, in most cases you could inform the interviewee of this and redirect his or her attention to the investigatory purpose at hand.

o Anticipate the interviewee's uneasiness in answering specific questions and be prepared to ease these anxieties if possible. For some interviewees this merely entails the reassurance that their answers are only a small part of the overall information you will be gathering. For others, this might include the assurance that they do not have to answer every question, that if they do not have knowledge of a particular issue they should say so.

(b) FRAMING THE INTERVIEW FOR THE INTERVIEWEE

o Skilled investigators believe that in order to keep interviewees focused on the objectives at hand, it is helpful to outline briefly how the interview will be conducted with some indication of the agenda to be followed. The interviewee feels more at ease when he or she has a clear map to follow. This might include some of the following types of questions:

(1) Participant Interview

"We are going to discuss how you heard about this program. Also how you were selected to participate in the program. You may also be able to clarify for us the kinds of support (e.g., financial, counseling) services you have been receiving since you joined the program."

(2) Recipient Administrator Interview

"We are going to discuss how participants are selected and how they are matched to job sites. Also we would like for you to describe why this training program is being offered and what assurances you have from employers for hiring your participants. In addition, we would like to know the criteria for sending trainees to the various training components."

(3) EO Officer Interview

"We are going to discuss how training slots are filled throughout the program. Also we would like you to describe how an applicant usually obtains a slot. You also may be able to clarify for us the kinds of training you offer."

(4) Employee Interview

"We are going to talk about how you came to work for this employer and what kinds of changes you may have seen since you were hired. We are also going to talk about your recent promotion."

(5) Supervisors Interview

"We are going to talk about how you select and interview employees for your department and if this process is the same throughout the organization. Also we would like for you to describe how employees are promoted in your section and if that process has always been the same."

3. Some Helpful Hints

o Most investigators believe that establishing a specific time schedule for completing the interviews with each interviewee is unnecessary, and that remaining flexible about time frames is perhaps more realistic.

o Most investigators agree that supervisors, more often than employees, are skillful in leading the investigators away from the agenda. Resist these attempts to veer off course and refocus the supervisor to the task at hand.

o Many investigators find it crucial to establish a framework of information needed and to make certain this is understood by the interviewee. Often this is accomplished by acknowledging that the interviewee has a wealth of knowledge about the company but that it would be most helpful if they could limit the information to that requested. Gently setting limits for the interviewee initially may save valuable time and keep the interviewee focused on goals.

o Both at the beginning of as well as later in the interview, most investigators find it important to avoid any philosophical debates on the merit of the investigation or review itself and instead stress their role as an implementor of a government policy; not an interpretor of it.

4. How to Listen Effectively

Many investigators experienced in interviewing say the most important responsibility of the EOS in an interview situation is listening. Interviewees will get an impression of what they should tell you by how you listen and by the tone of your questions and remarks.

Listening patterns that you already demonstrate in your daily life carry over into your interviews. Some of you are skilled listeners; others are less adept. Listening skills, like all skills, vary from person to person and can be developed through practice. Here are some tips on listening cited by some investigators skilled in interviewing.

(a) LISTEN WITH PURPOSE

The first element to listening effectively is to keep in mind specific information you need to verify or refute the problem/potential violation you are considering. Direct your questions to these specific points.

You should also maintain good eye contact with the interviewee (although do not overdo it and stare, causing discomfort to the other person). If you are taking notes, make sure you frequently look up at the interviewee.

By listening with your specific objective in mind and maintaining good eye contact you will:

o enhance your ability to be genuinely interested in what the interviewee says;

o lessen the temptation to listen carelessly by becoming distracted by extraneous sights and sounds and/or becoming preoccupied with personal concerns or other matters not relevant to the discussion; and

o increase your ability to concentrate, to focus the interview, and to question skillfully.

(b) SUSPEND JUDGMENT INITIALLY

An investigator stops listening well when he or she has already formulated an opinion in an interview. For example, an investigator might presume a respondent is aware of the discriminatory nature of his or her policies, attitudes and/or remarks when that may not be the case at all. Holding this already formulated opinion, the investigator tends to hear what he or she wants to hear from the respondent. He or she picks out of the conversation those comments or remarks which support his or her opinion, and tends to ignore those that contradict those beliefs. His or her listening, in this case, is negatively affected by this prejudgment and the information obtained will likely not be sufficient or accurate.

When you are in an interview it will be helpful if you can be aware of the tendencies in you and in most people to judge or evaluate quickly and to jump to conclusions and make faulty inferences. Resisting these temptations will increase your listening ability.

(c) DO NOT TALK TOO MUCH

Experienced investigators say this is one of the hardest and most important things to practice in order to be a good listener. Skilled interviewers resist the temptation to interrupt the other person (unless he or she is too talkative or strays too far from your objectives in his or her replies). They generally talk much less than the interviewee and do not jump in with a question or comment every time the interviewee stops talking. They even find that silence is frequently conducive to getting the information they desire as interviewees sometimes need time to sort out their thoughts.

(d) USE FEEDBACK CHECKS WITH INTERVIEWEE

(1) For Clarification

Skilled investigators make sure that no language difficulties on either side inhibit mutual understanding. They try to keep their language simple and clear. They try to avoid program jargon.

When you are unsure about something you have heard, you can check out your understanding with the other person. Questions like the following might be helpful:

> "That's a little unclear to me. Could you explain in more detail what you meant by . . ."

> "Could I stop you for a minute here? I'm a little confused about . . . Maybe you could put that in different words for me."
>
> "I really want to understand exactly what you're saying and I'm a little fuzzy about . . . Could you go over that again?"
>
> "I'm sorry. I missed that last part. What did you say?"

(2) For Understanding of Content

At various times in an interview it will be helpful for you to check in with the other person to make sure you have heard him or her correctly. Rephrasing in your own words the content of what the interviewee says, to his or her satisfaction will aid you in obtaining pertinent, correct information. It will also help you organize the information you are hearing so that you will be able to see if it corroborates or refutes the problem/potential violation you are considering.

The following phrases and/or questions are examples of ways to begin giving this summary feedback to the interviewee:

> "Could we stop for a minute so I can check with you on what I think you said? I heard . . ."
>
> "What I heard you say is . . . Is that correct?"
>
> "I'd like to make sure I've gotten the main points of what you've just said. Could we stop here for a minute? My understanding is . . ."

5. How to Distinguish Statement of Fact From Opinions and Hearsay

Many investigators have discovered that during their investigative interviews with EO Coordinators, supervisors and employees, they must distinguish between statements of fact, opinion, and hearsay. Without the ability to distinguish between these types of statements, the information gathered is not useful because it has not been verified. Also the summary of findings from the information received could be misleading. Remember, the reason for conducting the interviews is to support or refute your allegation that a potential violation exists.

It is important to listen to the interviewee and determine if the person is making statements which he or she is offering as fact or opinion. Sometimes the investigator can accept a statement of fact as fact. However, most times you will need to verify all statements since they may be given as fact or opinion.

One way for investigators to effectively label information as it is given might be to indicate in one of the margins of their notes whether the statement is a fact or opinion. Another way is to take notes using the actual words (see verbal cues next page) the interviewee uses.

In some cases, a particular employee may only be able to give the investigator hearsay or opinions about processes. These opinions might be quite important and alert the investigator to ask about certain patterns. At the same time, the information should be labeled properly, and if possible, verified. Hearsay can sometimes be a cue to the investigator about possible problems of violations and can lead to other information. Again, however, the information should be labeled properly.

(a) DEFINING THE TERMS

A clear definition of these three types of information might be helpful for the investigator.

(1) Ist Hand fact is an "actual occurrence, or event, proven by witnesses."

(2) Opinion is "an appraisal formed in the mind about a particular matter, a judgment." A belief not substantiated by positive knowledge or proof.

(3) Hearsay is "a rumor, something heard from another person."

There are some verbal cues which might help the investigator more easily distinguish among these three types of information.

FACTS are often introduced with eyewitnesses statements:

- "I saw . . ."
- "When we were watching . . ."
- "We encountered . . ."

OPINIONS, on the other hand often are interpretations of occurrences and tend to be expressed:

By generalizations:

- "The company does not . . ."
- "Management believes . . ."
- "Workers usually . . ."
- "They say that . . ."

Or by very general adjectives:

- "high productivity"
- "poor performance"
- "good work"
- "some trouble"
- "fair program"

Or by certain conditional verbs:

- "He <u>might</u> have . . ."
- "She <u>should</u> have . . ."
- "They <u>may</u> do . . ."

<u>HEARSAY</u> is often expressed as a third-hand observation. Usually the observer is not even identified.

- "I heard that in the department . . ."
- "I think that these people suggested . . ."
- "John told me that his supervisor did . . ."

(b) <u>HOW TO VERIFY THESE STATEMENTS</u>

This information will be more worthwhile to the investigator if it can be <u>verified</u> or corroborated by another or better source. Try not to ignore information offered by interviewees or prejudge statements as insignificant, hearsay, or mere personal opinion until you have had the chance to verify the information. There are various ways in which to do this. Subsequent interviews with the EO Coordinator, various supervisors and certain employees or participants can, at times, offer corroborating evidence to verify certain previously acquired information. These occasions are described below in some detail.

(1) EO Coordinator

If the investigator is given information by the EO Coordinator he or she suspects is opinion, there are many ways in which he or she can verify it as fact. He or she may use personnel files, copies of personnel policies, job qualifications, performance evaluations, and other written material. The investigator may also ask the EO Coordinator for documentation. Also he or she can interview other managers, supervisors, employees or participants to corroborate the EO Coordinator's statement.

(2) Supervisors/Managers

Again, the investigator can often verify whether personnel policies described by the supervisor exist by examining policy statements, personnel files, training records, termination statements, wage and salary reviews, and other written materials. Corroboration may be possible by interviewing specific employees who operate under the particular supervisor interviewed or by questioning other supervisors in similar job titles.

(3) Employees

To verify statements given by protected group members, select a non-protected group member and ask specifically how some employment policy has affected the groups.

To corroborate statements by a non-protected group member, select other non-protected group members, as well as a protected group member to question. Ask them to describe the specific employment policy mentioned by the first employee and how it works generally. Any discrepancies should become readily apparent.

(4) Recipient Administrators

To verify statements given by the Administrator, check the recipient's policies, minutes of meetings, and planning council members or other policy groups involved. Often community based organizations are knowledgeable of a recipient's policies. In some instances, participants or other State members may be able to corroborate statements made by the Administrator.

(5) Participants

To verify statements given by a participant, discuss the issue with other participants, particularly those not working in close proximity to one another. Be sure to get a cross section of participants. For example, non-protected group members and protected group members who are participants should be interviewed.

(c) HOW TO PROBE EFFECTIVELY

Two of the chief objectives of an investigative interview are (1) to get an accurate picture of how an employment/training process operates, and (2) to discover the major distinctions concerning key selection criteria that make a difference in employment/training decisions. This is a difficult task since many managers and employees have trouble articulating their own experience and how processes work in general. Investigators who are successful in obtaining this information are skilled in the art of probing.

(1) <u>When to Probe</u>

Probing is asking questions about a given interview response to identify and obtain more specific information that the initial response often has behind it. There are many clues as to when probing is appropriate -- here are some:

- When you are given a very general answer such as "We promote people on the basis of their education attainment;" the investigator needs to probe for more specificity (<u>e.g.</u>, what level of kind of education, high school versus college; special degrees; specific courses.)

- When you are given an answer which suggests that they "always" hire, promote, train or terminate on an equitable basis, (implying that they do <u>not</u> discriminate); then the investigator needs to find out whether they do apply selection criteria uniformly -- are there any exceptions to the "general rule." These exceptions then become the criteria.

- When you are given a general answer about how trainees and worksites are selected, <u>e.g.</u>, "We select those most in need . . . ," the investigator needs to know who is considered most in need based on the current unemployment rate and the standard metropolitan statistical area.

- When you are unclear about what has been said, you need to check out what you have heard (as we talked about earlier in the section on "Listening skills") and ask for clarification.

- When an employee, participant or recipient gives an opinion or offers "hearsay" information, the investigator needs to find out the factual basis (if any) for such an opinion or the source/documentation of the non-witnessed information.

- When the interviewee's facial expression or personal manner show anxiety or tension (e.g., shifting position frequently exhibits nervousness), this may indicate (not always) that there is additional information which is not being offered but rather suppressed or hidden.

(2) How to Probe

As we said above, probing is an art. Probing can have both positive and negative effects. The positive effects are:

- You get the information you are seeking.

- You get additional information that is helpful to your interview because you have established good rapport and a comfortable climate.

The negative effects are:

- You put people on the defensive and they refuse to answer or give only vague answers.

- The interviewee gives you too much non-relevant information.

- The interviewee becomes lost in the questions and ceases to be responsive.

How you probe can make the difference between a positive and negative effect. Here are some do's and don'ts with regard to probing:

(3) Behaviors Which Work

- When asking a probing question

  — Use a friendly, polite tone.
  — Keep question short.
  — Use non-technical language.
  — Try to avoid interrupting unless the interviewee is giving you too much information which is not helpful or not relevant to the topic.

- Whenever possible phrase the question in such a way that the interviewee is helping you. In this way, there is less of a chance that the person feels like he or she is being accused of something. Try not to use an accusatory "you." For example:

"I understand . . . ., but I'm still unclear about . . ."

or

"I'm puzzled about . . . ., could you elaborate on . . . ."

or

"I'm still confused about how . . . works, can you give me an example or can you describe the most recent occurrence."

as opposed to

"Why did you do that . . . ."

"Don't you know that . . . ."

- When the person gives you a general, vague or no response, calmly rephrase the questions.
- Ask individuals to provide examples.
- Allow the interviewee time to think of a response to your question. If we are really listening to someone we need a few seconds to formulate a response.
- Be patient and stay relaxed.
- Use non-directive questions such as:

  "I'm not sure what you mean, can you explain further?"

  "Would you please repeat what you said about . . . ?"

  "Is there anything else you can add?"
- Remain objective (in a neutral position) both in speech and manner, i.e., respond by repeating what the interviewee has said without adding judgmental words, or say "I see" without raising your eyebrows or indicating surprise.
- Be silent. Sometimes silence can be an effective probe. People tend to be uncomfortable with silence and will add to or clarify what has previously been said without you asking another question. When using silence the investigator must still show interest and display an expectant attitude (usually by maintaining eye contact) for this to work.

- Wait and go back to a previously discussed question. Many questions receive evasive or hostile responses. In the situation where a person tries to evade repeated probes for information, it may be more effective not to push for an answer immediately but rather to go back at a later time. For example:

  "A while ago, you said . . . could you elaborate further."

  "I'd like to go back to how people are . . . "

  "We talked about . . . earlier, perhaps you could give me (another) example."

Likewise if you have provoked a negative emotion, e.g., anger, hostility, blocking, fear, one way of letting the emotion defuse is not to push but to go back to the subject again later once the interviewee has gained composure. It is important that you not drop the topic completely, if you choose this tactic as opposed to acknowlegedment of feelings (see section on Negative Response), you should go back to it later and try again. Remember your goal is to get the best and most complete information possible.

(4) Behaviors Which Have Negative Effects

- Repeating the same question over and over again.
- Interpreting the question before you allow a response.
- Acting surprised, shocked, smug, etc.
- Summarizing the response and including a judgment about its validity, e.g., "It's hard for me to believe that you . . ." or "Did you really say . . ." or "I can't believe. . .."
- Using the word "why" too often.
- Using the word "you" in an accusatory manner.

6. Asking About Comprehensive Procedures

Asking someone to describe complete systems/procedures, e.g., the selection process, seems like a straightforward matter but often is not. It is hard for the person you are interviewing to give you the kind of information you want organized in a way that is most useful to you. The ordinary tendency of not being able to give a factually and complete reply is made worse by the perceived fact of the adversary relationships between the investigator and the program administrator. The investigator must work to minimize these problems in order to get the information he or she needs to conduct the investigation.

The simplest and most frequently used beginning question to obtain a description of a given procedure, e.g., the selection process, is the obvious direct one:

"Would you describe your (selection process):"

The virtue of this question is that it is simple and straightforward, easy to remember and is probably readily understood by most of the individuals of whom it is asked. Its disadvantage is that it puts the entire burden of retrieving, selecting and organizing a response on the person being interviewed. It does not provide any hints of what kind of description would be most useful to the questioner, nor does it give the person being interviewed any framework to aid in organizing his or her thoughts and description. Some investigators have dealt with this problem by using a different question:

"Lets say that I (wanted to be trained or hired) - what would I do first and what would actually happen? Would you take me through it?"

This question tries to make it easier for the person being interviewed to answer by giving him or her a way of thinking about and organizing a description, i.e., what would actually happen first, second, third, etc., to a person who went through this process. Some investigators try to maximize the concreteness of the description they get by asking for an actual "walk-through" of the process. For example:

Investigator: If I wanted to apply for training here, what would I have to do?

Program Administrator: You come in and fill out an application.

Investigator: Where would I get the application?

Program Administrator: From our receptionist in the lobby.

Investigator: Could we walk down there?

(Investigator and Administrator walk to lobby. Meet receptionist.)

Investigator: If I came in and said I wanted to apply for training, what would you do?

Receptionist: I'd ask if you were interested in GED or skills training. (I can usually tell without asking.) If you want skills training I'd give you an application and ask you to fill it out and leave it with me.

Investigator: What if I want to enter a GED program?

Receptionist: I don't have the GED applications. The lady at the front desk has them. I send GED applicants out there.

Investigator (Finishing interview with receptionist, then saying to the Administrator) "I'd like to walk out to the lady at the front desk, then come back and talk to the person who gets the training applications from the receptionist.

You can see by talking directly to the person who actually handles each part of the process, the investigator is getting a very concrete description from the person with the best knowledge of it. Notice also, that this "walk-through" technique tends to result in a description of what actually happens rather than of what should happen. (A description by a single source (EO Administrator) sitting in an office is likely to drift away from what actually happens to what's supposed to happen). The disadvantage of a "walk-through" interview is that it can be time consuming and can be stymied if key people are not available. Nevertheless, it is an available way of getting a more concrete best-evidence description of a given selection process.

7. How to Deal With Negative Reactions

During the course of your interviewing, you will no doubt be confronted with people who display some emotion, be it anger, hostility, fear, defensiveness, frustration, guilt, etc. They may come into the interview with these feelings or they may develop during the course of the meeting. These negative emotions can interfere with your interview objective -- obtaining certain information. It will be to your advantage to be able to recognize behavior on your part that may contribute to these negative reactions, and to know how to deal with them when they do occur so that you do not hurt your chances of meeting your interview objectives.

There are certain behaviors that tend to predictably result in less than friendly feelings and behaviors. (Of course, personality types do differ and what may provoke one person will not bother another.)

In interviews with administrators and managers, investigators report negative reactions to the following behaviors:

- Presenting negative desk audit findings as conclusive.
- Making unsubstantiated allegations.
- Pursuing an admission of guilt.
- Being accusatory in questioning.
- Quoting regulations constantly.
- Nitpicking and being mechanical about technical things (e.g., correcting grammar in policy statements, insisting on correct placement of EO signs).
- Being demanding about a specific format for data.

The above behaviors can either be avoided entirely or handled in such a way that the investigator not only maintains a good relationship with the interviewee but meets his or her objective for the interview as well.

In some interview situations, the investigator is faced with an interviewee with a negative emotion before the meeting even begins. Employees in general, approach the interview situation with some apprehension and fear. Trainees, especially, can be intimidated when told that someone from the government wants to talk to them. They are frequently concerned about why they specifically were chosen, and if they are in trouble or if they are going to get into trouble. Some might say, "I don't want to be here," or "I'm not going to answer any questions," and totally resist giving you any information.

As was previously mentioned in the section on the introduction, it is helpful initially to try to put the person at ease by being friendly and informal and telling him or her that you are from the Federal Department of Labor. Go on with the explanation that you are investigating a complaint of discrimination. You can further explain that as part of this process, you are required to interview many people and he or she was one of those chosen. Emphasize the voluntary nature of the interview and ask if the person has any questions before you begin your questions.

By eliminating the pressure and leaving the interviewee space, investigators report a lessening of resistance and blocking of information. The other person is much more likely to give them the information they are seeking.

Occasionally investigator's report they encounter an employee who is quite distressed and agitated and wants to talk at length to the investigator about how he or she is being treated unfairly. One way of handling this is to let the person talk, jotting down the pertinent facts and then dismiss him or her by saying you will be in touch prior to completing the investigation. Later, the investigator can interview another person to either corroborate or refute the person's allegations and then take the necessary follow-up actions.

Here are some tips on relating to people in interview situations so that negative emotions do not intrude on the successful outcome of the interview.

- Establish Good Rapport

  It is helpful to establish a good rapport on a human basis with the other person. Presenting yourself as an information gatherer rather than as an interrogator or a detective will help. Being friendly and concerned will aid in creating a comfortable atmosphere.

- Do Not Reflect Irritation or Anger

  It is to your advantage <u>not</u> to get heated or emotional no matter what the other person's behavior <u>is</u> like. If anger is not returned, it becomes more difficult for the other person to stay angry. <u>STAY CALM</u>. Remember that this anger is <u>not</u> directed at you personally <u>and is not a</u> comment on your worth as a person or an interviewer. (It is more <u>of</u> a comment on the interviewee feeling threatened.)

- Acknowledge Other Person's Feelings

  One effective method of defusing the other person's negative feelings is to let him or her know that you understand what is being felt. One frequent outcome of this acknowledgement is that the other person's negative feelings either abate entirely or considerably lessen in degree.

The following are some examples of this:

"I can certainly understand that you might be wondering why you were asked to talk to me and might even be a little apprehensive about it."

"I can certainly understand why you might be angry about my wanting to ask you some questions."

"I can really understand that this interview might be difficult for you and has the potential of being difficult for this agency."

"I can certainly understand that you are probably reluctant to talk to me about _______."

A temptation people frequently encounter when using this method is to offer the other person advice right after they have acknowledged that person's feelings. For example, a person might acknowledge, "I can really understand that you're feeling unappreciated" but then follow it up with "What you need to realize is that your boss does appreciate you but just doesn't show it." This approach is generally <u>not</u> successful in diminishing that person's initial feeling. In fact, giving advice frequently creates <u>other</u> negative feelings as well.

Another temptation you may encounter is the urge on your part to play counselor. It is important to remember that you are <u>not</u> there to solve the other person's problems. This method of acknowledging peoples' feelings is primarily a tool to enable you to hear the other person clearly, defuse negative feelings if possible, and to proceed with your agenda (if the situation permits).

- Express Your Needs

After expressing your understanding of the other person's situation and his or her feelings, you can assertively express your need(s).

Investigators skilled in this technique say that it is best communicated through a relaxed, assured manner (it is not helpful to have either an exaggerated show of strength or an appearance of timidity and weakness). Speaking in a firm, warm, well-modulated voice is preferred to using one that is weak and shaky or loud, demanding and authoritative. Another bit of advice is to think about your eye contact with the other person. He or she will be more receptive to you if you are open, frank and direct with your eyes as opposed to having them averted and downcast or cold and staring. It will also be helpful for you to be feeling confident and filled with self-respect when you are telling the interviewee your needs. Feeling hurt or anxious or angry will most likely lessen your chances of being effective at this point.

Here are some ways experienced investigators acknowledge feelings and express their needs to interviewees.

"I can understand you have a lot of things you have to do and are feeling rushed. What would really be helpful to me is to spend another 15 minutes and see if we can't finish up so I can be on my way? Are you amenable to that?"

"I can understand that you've had a difficult job trying to get these interviews arranged. I won't insist on interviewing today, but I will need to start promptly at 10:00 a.m. tomorrow."

"I can understand that you are feeling somewhat apprehensive about this meeting. I would, however, like to discuss just a few things with you."

o Use "Soft" Questions

People begin to feel defensive and are likely to react negatively when they feel backed into a corner. One way to avoid crowding the interviewee is to use soft or open questions which leave him or her space in answering, especially at the beginning of the interview. These questions tend to be broad and allow the other person more latitude in his or her answers.

The closed question, on the other hand, is narrow and limits the interviewee to a specific answer. He or she may feel trapped and blocked, when asked this type of question. A type of closed question EOS's may be cautioned to use sparingly is the "why" question. "Why" frequently conveys to the listener disapproval, displeasure or blame as in "Why are you late," or "Why can't you listen?" When you use "why" to question, be aware that the other person may feel the need to defend himself, to withdraw and avoid the situation or to attack.

Questioning in this manner does not mean you are not focusing on specific information you need to obtain. What it does mean is that you are skillfully questioning in a way that is least likely to create a negative reaction in the other person and most likely to get you the information you need.

Examples of using "soft" questions are:

"I'm wondering what happened here?"

"Could you tell me how you . . . ."

"Do you happen to know if . . . ."

"How do you suppose . . . ."

"Let's look at ______ for a minute. Could you explain what happened here?"

By developing skills in these different areas, i.e., acknowledging the other person's feelings, using "soft" questions, etc., the investigator will enhance his or her ability to conduct a successful investigative interview. Confidence will grow in being able to create a comfortable interview climate and in obtaining the information you need.

8. How to Take Clear and Precise Notes

The purpose of your investigative interview is to obtain and accurately record specific information about events, policies, and processes and, as such, notetaking should help, not hinder these efforts. Choosing the specific type of notetaking that will be the least disruptive to the interviewee, yet help you record the pertinent facts, is very important. Therefore, each investigator should decide before the interview exactly the kinds of information he or she needs to test the allegation(s) and validate information uncovered during the investigation. With this purpose in mind, the investigator will want to compare the appropriateness of various types of notetaking, noting whether they might jeopardize his or her rapport with the interviewee or interfere with the ability to listen attentively. Although laborious notetaking may provide detailed information about the personnel system, it usually distracts interviewees, makes them feel neglected, or even makes them hostile.

Some investigators feel that interrupting the interviewee always is justified so that they can be assured of getting the information down accurately even though they risk possibly upsetting the interviewee or disturbing the flow of information. After all, they insist, the purpose of the interview is to gain accurate and complete statements of what is going on. Asking the interviewee to repeat, explain, or slow down is sometimes unavoidable. However, investigators need to be aware of possible negative responses and keep the interferences to a minimum. Essential information will include the following:

- Notes on important relevant ideas (can be paraphrased).
- Notes on specific points (verbatim responses to be clarified later.
- Classified responses - fact vs. opinion or hearsay.

Since the investigative interview focuses on information gathering, often the investigator uses open-ended questions and allows the interviewee's responses to flow uninterrupted so that the pattern of responses is not changed. If this type of questioning is used, it is better to use notes on specific points or paraphrased notes on relevant data rather than try and record the entire interview verbatim.

NOTE: The use of too many open-ended questions usually produces very little usable information. Left to his or her own meandering, the interviewee often will describe a great number of colorful episodes but little else. The investigator should not feel at all uncomfortable interrupting the interviewee to refocus him or her on the task at hand or to obtain some accurate statement to record. This is essential.

(a) SOME NOTETAKING TIPS

- Explain the sequence of questions to be used according to the objectives of the interview.

- Decide upon a shorthand method for recording pertinent data that is reasonable and easy to transcribe.

NOTE: There is no prescribed shorthand method for investigators but whichever one is chosen should be used consistently and should be easily understood. Certain abbreviations, acronyms, and omissions (articles, etc.) are fairly standard and minimize the number of words written.

- o Clearly indicate each interviewee by name with the date of the interview as well as your name.
- o Make certain notes are legible and any omissions of information are properly labelled.
- o Record only relevant data.
- o Remember to label fact vs. opinion vs. hearsay.
- o Go back as soon as possible for at least 2-3 minutes to fill in pages -- even if you have to make the next interviewee wait.

(b) SOME HELPFUL ITEMS

Some investigators feel that use of the following items is very helpful when taking notes during an interview:

- o Steno pad or other small notebook - convenient, inconspicuous, easy to file, and many interviewees find it less distracting.
- o Number 2 pencil - can erase, less messy.
- o Pre-numbered pages, arranged according to title of interview - easy to follow, organized, properly labelled.
- o List of basic areas to be covered by questions including background, knowledge of selection process, etc., - convenient, less likely to miss information, consistent.

(c) HOW TO SUMMARIZE FINDINGS FROM NOTES

For several years many investigators summarized their finding from each interview after they had returned from the on-site investigation. These summaries were often a brief account of the pertinent facts (one or two paragraphs). Since there was some time lag between the interview and the summary, it was important that the notes be legible, understandable, and that the use of jargon, and abbreviations be kept to a minimum.

By using the Tab Analysis System in this manual, you may avoid this lengthy and time-consuming process. Each statement or document will have a Tab Analysis sheet outlining what is important to preparing your IDR.

(d) SUMMARY STATEMENTS ON-SITE

Recently, it has been suggested that the investigator summarize each interview on-site, especially when there seems to be the likelihood of a serious violation present. If this is the case, take a supply of Tab Analysis Forms so that you may efficiently tab statements and documents as they are collected.

NOTE: Investigators must be careful to record the interviewee's version of the facts, not the investigator's perception of the case. Investigators should carry copies of Appendix ___ so that statements can be written-up on-site and signed on the spot by the witness. This practice increases your own efficiency and the credibility of the investigation.

9. <u>How to Obtain a Signed Statement</u>

In general, only witnesses sign statements. Most management officials will not sign such statements but it is worth asking. The investigator can note the race/sex on the interview statement (by initial only) afterwards. If you know you will be asking witnesses to sign a statement, plan ahead for the 3 to 5 minutes it will take you to write up the summary. If possible, bring a few magazines to the interview room. Most of the time it does not work to ask the witnesses to come back to sign a statement, it is better to keep the witnesses there while you write up the statement. One highly skilled interviewer gets signatures using the following steps:

(a) Asks the witness to wait while investigator reviews his or her notes -- saying that he or she wants to make sure that the information given in the interview is a clear, accurate picture. And while revising the summary notes, asks if statements are what the witness has said.

(b) Once the investigator gets a positive response to the accuracy of the statement, he or she hands it over to the witness to read and verify.

(c) If, again, the witness indicates that the statement is accurate, the investigator can say something like, "well then you won't mind signing it for my records" or "as an indication that I have accurately recorded your statements."

Note that the investigator has not mentioned until Step 3 that a signature is involved. The track record for signatures with this technique is excellent. However, this is merely one way of obtaining a witness' signature; there are other approaches as well.

Remember, the purpose of getting a signed statement is to verify that the written account of the interview is accurate. It is not to provide a written document to be used in legal proceedings. An investigator should <u>never</u> bring up the subject of legal enforcement or potential court proceedings during an investigative interview.

QUESTION TYPE	USE	EXAMPLE
REFLECTIVE	Clarify, verify so that you are not assuming, not jumping to conclusions. Repeats in question form what witness has said; shows investigator is listening.	"Are you saying that..."
FACTUAL	Asks for specific facts such as dates, names, terminology. Tunnel effect if you ask too many; can get boring.	"How many work in this office?"
OPINION	Asks for witness beliefs, attitudes, opinions.	"What do you mean when you say 'poor attitude'?"
DESCRIPTIVE	Asks for narrative account of an experience or situation.	"Describe the events leading to your discharge."
FEELING	Asks for the emotional state of the witness.	"Why do you feel you were discriminated against?"

QUESTIONING TECHNIQUES

WORDING: ***QUESTIONS SHOULD BE PURPOSEFUL, CLEAR, NATURAL, BRIEF, THOUGHT-PROVOKING, LIMITED IN SCOPE, UNBIASED.***

QUESTION WORDING	USE	EXAMPLE
DIRECT	Guides interview in a specific direction; gets a short specific answer; can block witness responses.	"Did you see who started the fight?" "When did this policy go into effect?"
INDIRECT	When information is embarrassing, threatening; can be hypothetical, e.g., "What if..."	"Did you ever consider reporting his sexual advances to management?" "What would have happened if you had reported him?"

QUESTION WORDING	USE	EXAMPLE
LEADING	A type of direct question; phrased to suggest the right answer; may bias witness' response; may affect accuracy of witness' response.	"Don't you think that's a good settlement offer?" "You're going to withdraw this charge, aren't you?"
DOUBLE-BARRELED	Avoid; introduces more than one idea in the same question.	"What do you think of this charge and what are you going to do about it?"
NEGATIVE/SHARP	Avoid; leads to defensive and endless qualifying.	"Why would anyone do a thing like that?"

QUESTIONING TECHNIQUES

PREFACE: **A STATEMENT WHICH INTRODUCES A QUESTION; PROVIDES A FRAME WHICH ALLOWS WITNESS TO INTERPRET QUESTION CORRECTLY**

QUESTION PREFACE	USE	EXAMPLE
FACTUAL	Gives witness facts/data to stimulate memory; can prevent response distortion.	"A copy of the charge was mailed to you on 1/1/86. When did you personally receive a copy?"
MOTIVATIONAL	Arouses witness interest; witness can feel obliged to answer; reduces threat of question; include witness name or "you" in preface to increase rapport/cooperation.	"I know you feel what happened to you was discriminatory..."

QUESTION SEQUENCE: REFERS TO THE ORDERING OF QUESTIONS IN EACH TOPIC.

QUESTION PREFACE	USE	EXAMPLE
FUNNEL	General to narrow; open to closed; witness needs to vent feelings; gives witness greater freedom.	"Tell me about..." "What happened when you...?" "Were there any witnesses?"
PYRAMID	Specific to general; closed to open; can motivate witness; short questions easy to answer.	"Have you seen the charge filed by Mr. Z?" "Did you follow the normal discipline policy with Mr. Z?" "Explain the events leading to his discharge."
TUNNEL	A series of all one kind of question e.g., all closed, all open; better to vary question types; may be used to press for facts.	

QUESTIONING TECHNIQUES

PROBES: A FOLLOW-UP QUESTION REQUESTING MORE INFORMATION

QUESTION PROBE	USE	EXAMPLE
AMPLIFICATION	***EXPANDS RANGE AND DEPTH OF ANSWER; REVEALS CIRCUMSTANCES, REASONS, ATTITUDES.***	
Direct	Come right out and ask for more information.	"What happened after that?"
Silence	Usually not more than 10 seconds; (I don't believe you, I approve, please continue, I agree, I don't understand, I'm interested) and many more meanings.	
Minimum Encouragement	Just a few words to keep witness talking.	"I see." "Yes, go on."

QUESTION PROBE	USE	EXAMPLE
Restatement	Repeat witness' statement, but not parroting.	"You called in?"
Reflection	Reveals the feelings behind.	
CLARIFICATION:	**ENSURES THAT INVESTIGATOR UNDERSTANDS WHAT WITNESS SAID; ELIMINATES CONFUSION, AMBIGUITY; BREEDS CONFIDENCE**	
Direct	Ask directly for clarification.	"What do you mean by poor attitude?"
Paraphrase	Repeat Witness' statement in other words; better than restatement.	"You only heard about the fight and did not actually witness it?"
	An expanded paraphrase.	"Let's see if I understand what you are saying..."

QUESTION PROBE	USE	EXAMPLE
CONFRONTATION	Challenges Witness' words or actions; could make Witness hostile, avoid arguing or direct accusations	"Could you be mistaken?" "Didn't you just say that...?"
WHY	Gets data on reasons behind a decision; challenges validity or authority of a response; gets the rationale; helps Witness reason through a problem; use with caution; Witness may become defensive, emotional	"Why did you do that?" "Why did he react that way?" "Why didn't you call in?"

QUESTIONING TECHNIQUES

QUESTION TYPE	USE	EXAMPLE
OPEN	One of the best ways to start (unless you need to get to the heart of the matter immediately. Gets the witness involved; gives the witness control; gives the witness recognition.	"Tell me what happened." "Could you describe the events..."
CLOSED	Follow-up after open question; to get specific, objective information; limits answers. Too many suggests badgering; may be threatening.	"Were you late for work?" "Did you call in?" "Who did you speak to?"