



Workplace and Regulatory Investigations  
Psychological Safety  
Corporate Training  
Risk Management

## **Investigation Tips**

### **Conducting Credibility Assessments**

In order to come to a finding, on the balance of probabilities, it is necessary to assess the credibility of the persons interviewed. This is particularly important where there is no independent or corroborative evidence available when there is a discrepancy between parties. The following test is applied for the Complainant, Respondent and witnesses:

- a. **Initial Credibility:** Did the interviewee impress as one who was telling the truth?
- b. **Motive to Deceive:** Did the interviewee have any reason not to tell the truth? Do they have a motive to falsify, exaggerate or deny the incident(s)? Do any of the interviewees have a special loyalty to – or grudge against – any of the individuals involved?
- c. **Personal Interest:** Did the interviewee have a personal interest in the outcome of the case which could skew their perspective?
- d. **Accurate Memory:** Did the interviewee seem to have a good memory? Did the interviewee have the opportunity and ability to recall accurately the things he or she testified about?
- e. **Comprehension and Directness:** Did the interviewee appear to understand the questions clearly and answer them directly? Did they exhibit frankness in their responses or were they evasive?
- f. **Specificity and Detail:** How general or specific was each person's statement? If an interviewee gave a detailed statement, were those details supported by other evidence? Did the Respondent deny the allegations in detail or generally?
- g. **External Corroboration:** Are there witnesses or documents that support one side of the story? Does the evidence contradict one person's statements? Do the witnesses support the person who proposed they be interviewed? If there are conflicts, are those conflicts minor or significant?

- h. **Stability of Testimony:** Was each person's story consistent throughout questioning or on second telling? Did any of the interviewees contradict themselves during the interview? If so, did the change involve a minor issue or a matter of substance?
- i. **Appropriateness of Affect:** How did the interviewee present or act during the interview? Was their affect appropriate to the subject matter?
- j. **Notable Omissions:** Did anyone leave out important information during the interview? Is there a sensible explanation for the omission? Did the respondent or complainant admit an important detail only after being confronted with it?
- k. **Nuanced Analysis:** Did the interviewee include nuance in their descriptions which does not necessarily support their case? Did they include embarrassing details (i.e. criterion of embarrassment) which may testify to a nuanced recall committed to accuracy and truth?
- l. **Coherence or Collusion:** Did the interviewee's testimony exhibit a natural fit with the testimony of other interviewees? That is, did that testimony cohere on the main relevant points while exhibiting a distinct perspective, interest, and emphasis? Or did that testimony exhibit an unnatural fit? That is, did that testimony cohere both on main points as well as perspective, interest, and emphasis in a way that was suggestive of collusion or coordination of testimony

Credibility assessments are required in he/she said – she/he said investigations. These are investigations where an allegation is made by a complainant – usually harassment, bullying, sexual harassment or violence, and there is a denial from the respondent.

Investigators should not come to a finding on a he/she said – she/he said investigation without applying a credibility assessment and then articulating that assessment and findings in order to place more weight on the evidence of one person over another.

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