

CHECKLIST:

Are you impartial?

If the following procedurally fair steps are taken, you can be confident that you will be able to defend your investigation from criticisms of partiality or bias. Ask yourself if you are able to:

- Have no preordained ideas or preferences about whether the allegations are true (honestly!);
- Have no pre-existing special relationships with the complainant, the respondent, or any witnesses who might give key evidence;
- Have no pre-existing relationships with your instructor or stakeholders in the organisation that may impact on your independence and impartiality, in reality or as perceived by the parties;
- Have no personal interest in any particular outcome, and the allegations have no relevance to you or your close colleagues (such as criticisms of your division internally);
- Be confident that you are not, and will not become, a witness;
- Be impartial in assessing the credibility of the complainant, respondent and any witnesses, and where appropriate, include your observations and conclusions about the participants' credibility in the investigation report;
- Anticipate and manage possible perceptions of a conflict of interest or bias before the investigation commences;
- Treat all participants fairly and consistently by adhering to a sound and planned investigation process from the outset;
- Keep an open mind about the allegations, and maintain the belief that the respondent is innocent throughout the investigation, unless and until the evidence proves otherwise;
- Remain at arm's length from the participants during interviews and the investigation process;

- During the investigation remain at arm's length from your instructor in the organisation or other stakeholder's who may attempt to influence you with their preferred outcome;
- Ensure that there is sufficient evidence to make the findings and not make a formal decision until all reasonable enquiries have been made; and
- Resist pressure by others in your organisation to make a finding in a particular way or to change the report after it is completed, unless the change is soundly based on relevant evidence and only after independently and impartially considering that evidence.

You must be able to do **all** of these things in order to be, and be perceived to be, impartial.