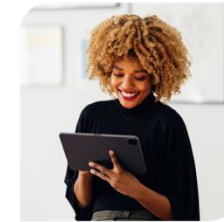




## ER and The Legal Perspective: **Integrating AI in the Investigation Process**

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➤ January 29, 2025





# The Leader in Employee Relations

## Employee Relations Benchmark Study

The **go-to** resource for ER leaders, packed with valuable insights and data.



## Employee Relations Quotient (ER/Q)

The **first-ever** maturity model for Employee Relations.

EMPLOYEE RELATIONS QUOTIENT

# ER/Q



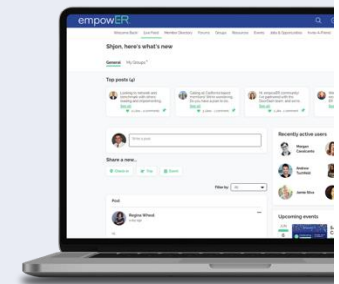
## ERroundtable™

Our annual event connects **over 400** global ER leaders to learn, share ideas, network and more.



## empowER™

The largest free-to-join online community **exclusively** for ER professionals.



# Donation

## Hospice of Central Ohio

Ohio's Hospice is a partnership of mission-driven, not-for-profit hospices in Ohio committed to a shared vision of strengthening and preserving community-based hospices.

Their mission is to celebrate the lives of those they serve by providing superior care and superior services to each patient and family.



# Upcoming Events



## HR Acuity Customer Exclusive AI in Investigations: Expert Q&A

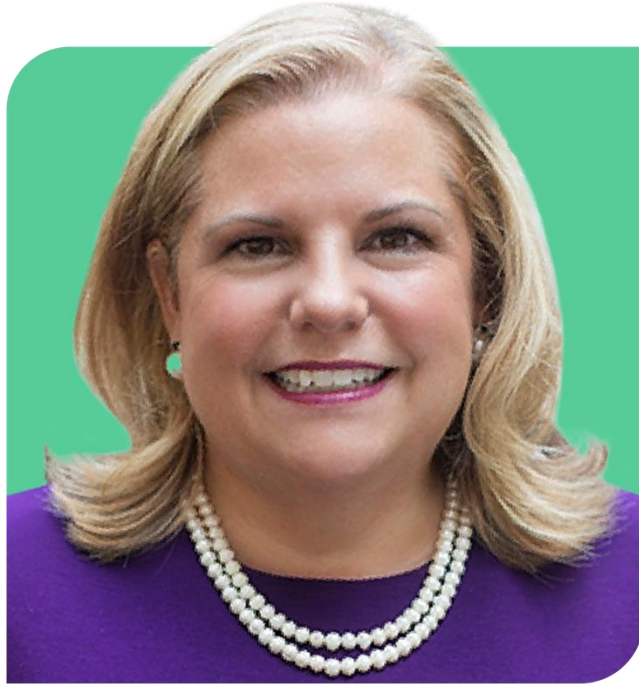
February 5 at 1:00pm



## Workplace Investigations in 2025: What You Need to Know

February 13 at 2:00pm

# Today's Speaker



**Lori Deem**

Partner and Shareholder



# Who's **Actually Using** AI for ER?



**9%**

fully embrace the use of AI in  
Employee Relations



**54%**

are developing guidelines to  
navigate legal, ethics and  
compliance concerns



**6%**

are completely opposed  
to using AI in  
Employee Relations



**9%**

Executive Leadership eager to  
use, but Legal, Ethics,  
Compliance have concerns



**23%**

Unknown, or in early  
evaluation stage



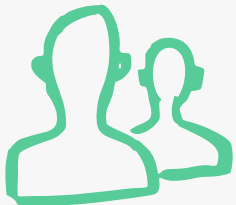
# General Concerns Regarding the Use of AI in Workplace Investigations



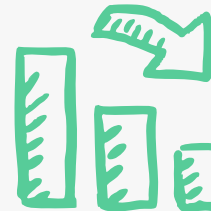
**Data Security and  
Confidentiality**



**Bias**



**Stakeholder Reactions,  
Transparency and  
Workplace Reaction**



**Overreliance and Dilution  
of ER Skills and  
Institutional Value**



# Bias Concerns with AI

- **Anchoring Bias:** The first output or conclusions anchor your assessments and decisions to that baseline
- **Implicit Bias:** AI tools learn from human data sets, and humans are hardwired with a whole host of implicit biases
- **Confirmation Bias:** A cognitive bias that causes one to gravitate toward information and conclusions that confirm the baseline
- **False Confidence:** Reliance on generative AI can lead to a false sense of security where one trusts the tool and abandons skepticism and curiosity leading to conclusions that may be based on incomplete or inaccurate data

# Potential Uses of AI at Each Stage of ER Investigations – Upsides and Cautions

# Complaint Intake

Uses / Upside:	Caution:
<ul style="list-style-type: none"><li>• Transcribing Intake Notes or Hotline Accounts</li><li>• Categorizing Complaints based on Nature of Allegations</li><li>• Identifying potential policy violations</li></ul>	<ul style="list-style-type: none"><li>• Anchoring Bias: If the nature of the complaint is miscategorized or mischaracterized in a way that creates an inaccurate baseline understanding of the problem</li></ul>

# Investigation Planning and Preparation

Uses / Upside:	Caution:
<ul style="list-style-type: none"><li>• Analyze complaints and draft an investigation plan from basic inputs regarding the facts/nature of the issues described, including identifying potential witnesses, witness order and documents to obtain</li><li>• Prioritize investigative steps based on identified risks and urgency</li></ul>	<ul style="list-style-type: none"><li>• Anchoring Bias</li><li>• Lack the experience, institutional knowledge and judgment to consider other atmospheric information, policy and legal considerations that should be examined while tailoring an investigation plan</li><li>• Litigation Considerations for using AI at this stage to formulate rather than verify</li></ul>

# Witness Interviews and Other Evidence Gathering

Uses / Upside:	Caution:
<ul style="list-style-type: none"><li>• Prepare sample questions, provide a running list of topics during the interview and can suggest questions in real time during interviews</li><li>• Transcribe witness interviews in real time and provide a summary of the interview</li><li>• Analyze and highlight contradictions between witness statements in real-time and assess credibility and can identify potential evidence to gather based on analysis of interview responses</li></ul>	<ul style="list-style-type: none"><li>• Implicit Bias – facial recognition and biometric tools fraught with potential for bias</li><li>• Confirmation Bias – AI credibility tools are particularly susceptible to this</li><li>• Use of certain tools can impact how a witnesses behave/respond during interviews</li><li>• Inaccuracies in transcription can lead to inaccuracies in summaries and conclusions</li></ul>

# Case Summarization, Synthesis and Report Drafting

Uses / Upside:	Caution:
<ul style="list-style-type: none"><li>Summarize witness interviews and other supporting documentation and synthesize evidence into “pre-configured templates,” and offer information that supports certain findings</li><li>Prepare draft investigation reports or offer revisions to draft language and spot for issues with tone (i.e. suggesting more neutral phrasing)</li><li>Proofread draft reports for errors and inconsistencies</li></ul>	<ul style="list-style-type: none"><li>Confirmation Bias</li><li>Allowing an AI tool to synthesize evidence and suggestion conclusions could compromise the credibility of the investigation findings and conclusions</li><li>If the AI tool reaches different conclusions than the investigator, there will be a record of those generated conclusions that could undermine credibility or defenses if litigation ensues</li><li>Synthesizing evidence, reaching conclusions and report drafting should remain the province of the experienced, professional investigator who can defend their process and conclusions, if necessary</li></ul>

# Recommended Best Practices

1

**Develop a taskforce or focus group** responsible for researching, testing and evaluating the AI tools and their uses and potential risks

2

**Identify specific case types or scenarios** where the tools will be used, and feedback should be collected and shared for evaluation

3

**Create a beta test or experimental phase** where the tool is used on a small scale before it is approved for large scale integration

4

**Consider and ask** how the vendor will store, process and use your proprietary data

5

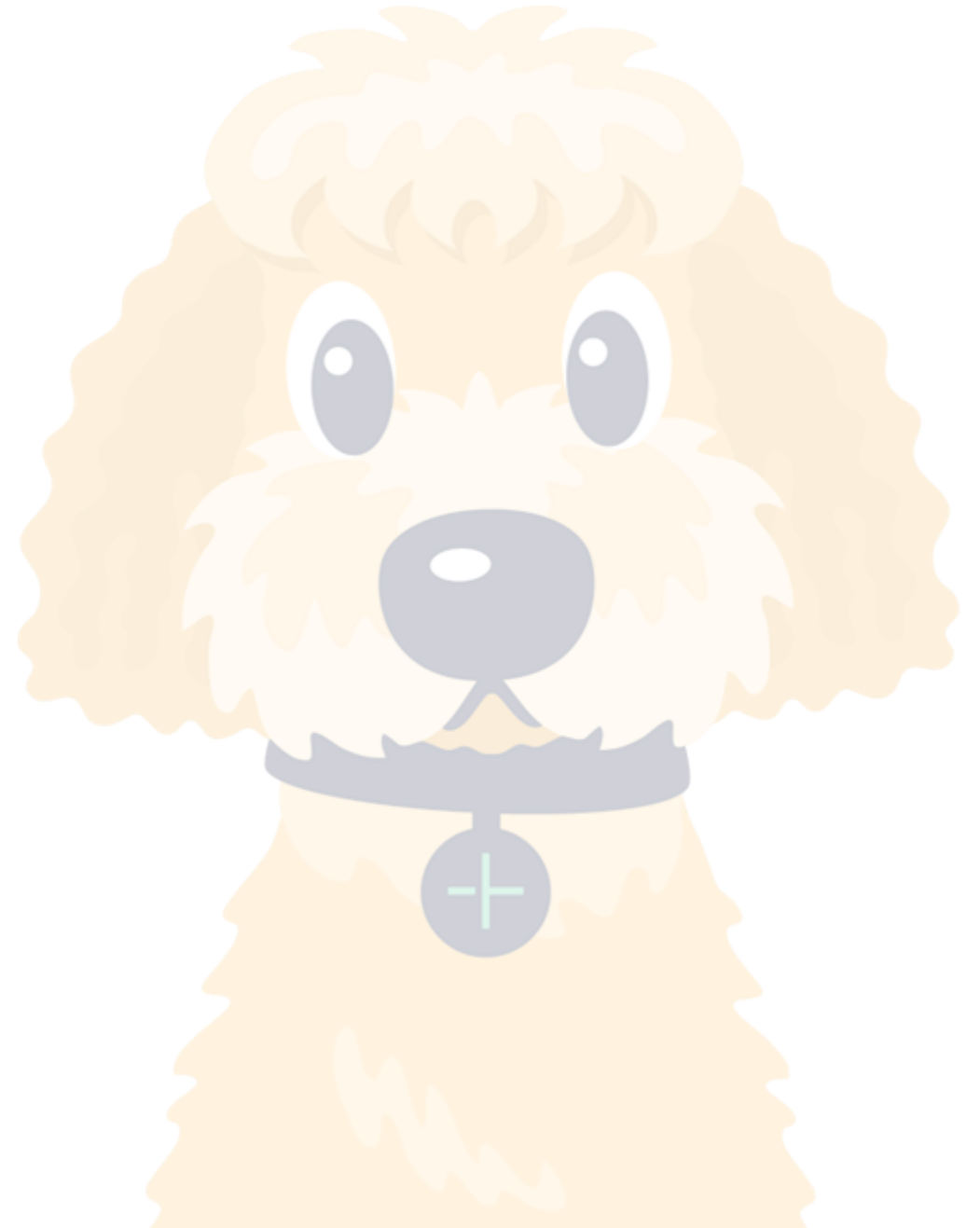
**Consider** whether developing a closed data set and organization-specific tools is worth the investment

6

**Develop a communication plan** for how ER's use of AI will be communicated both internally and externally



# How are we responsibly and strategically leveraging AI in HR Acuity?



# Thank you!

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[hracuity.com](https://hracuity.com) | [info@hracuity.com](mailto:info@hracuity.com)

