The Investigation Navigator™

A Practical Guide for Employees in AI–Assisted Workplace Investigations

> 🗒️ **IMPORTANT DISCLAIMER:** This guide is for informational purposes only and does not constitute legal advice. If you are involved in a workplace investigation, you should consult with your own legal counsel about your specific situation.

In February 2026, a federal court ruled in *United States v. Heppner* that AI chat logs and AI-generated documents are discoverable evidence and generally not protected by attorney-client privilege or the work product doctrine.

For workplace investigations, this means that how AI is used to document, summarize, or analyze your statements could have lasting legal implications. Whether you are a complainant, respondent, or witness, understanding these dynamics can help you protect your interests.

Here are five critical questions for all persons involved.

For the Complainant

The person reporting concerns

1 **Is AI being used to summarize my report or draft the formal complaint?**

AI-generated summaries can introduce legally loaded terms you didn't intend or omit critical nuances of your experience. Ask to review any AI-assisted version of your statement before it becomes part of the record.

2 **Who has access to the AI tool where my sensitive information is being processed?**

Data entered into public AI platforms may lack confidentiality protections. If your information is being processed through a consumer-grade tool, privacy and privilege could be compromised.

3 **Can I review the original transcript alongside any AI-generated summary for accuracy?**

AI can present errors with high confidence. Ensuring a "human-in-the-loop" review of all AI-generated materials protects your credibility and ensures your account is accurately represented.

4 **Is this investigation being conducted at the direction of legal counsel?**

Whether AI-generated documents are protected from discovery often depends on whether they were prepared specifically for an attorney. Understanding the role of counsel in overseeing AI use matters.

5 **Will my AI-assisted statements be preserved as discoverable evidence?**

Under recent rulings, AI chat logs and prompts are now explicitly considered discoverable evidence. What you say and how it's processed could become part of the permanent record.

For the Respondent

The person accused

1
Is AI being used to assess my credibility or determine if I violated policy?
AI cannot accurately judge human credibility or identify complex "red herrings" in a statement. Credibility assessments should be made by trained human investigators, not algorithms.

2
What specific prompts or inputs were used to generate the AI analysis of my actions?
Because prompts are now discoverable, you may have the right to know if biased or leading questions were used to analyze your behavior. Ask about the chain of inputs that shaped any AI-assisted findings.

3
Has a human investigator independently verified every AI–generated finding against the raw evidence?
AI should be a "thought partner," not the final decision-maker. Independent human verification is required to prevent automated bias from influencing the outcome.

4
Was the AI tool used an "enterprise" version with data isolation, or a public consumer tool?
Using consumer-grade AI for sensitive investigations can compromise the confidentiality of the entire proceeding. Ask what safeguards are in place.

5
How does the company ensure that AI training data isn't introducing systemic bias into my specific case?
New regulations and legal standards increasingly require employers to proactively test AI tools for discriminatory impact. You have a right to know whether the tools used in your case have been audited for bias.

For the Witness

The third party providing information

01

Am I being recorded or transcribed by an AI tool during this interview?

Real-time AI transcription is increasingly common. You should know if your spoken words are being instantly converted into a permanent digital record.

02

Will my name be anonymized if my statements are processed through an external AI platform?

Sharing witness names with third-party AI vendors creates privacy risks if the vendor's security is breached or if data is used for unintended purposes.

03

Is the AI suggesting follow-up questions to the investigator based on my real-time answers?

AI is now used to provide "running lists" of topics to cover, which can steer an interview in directions a human might not have intended. Awareness of this dynamic helps you understand the trajectory of questioning.

04

Can I request a copy of the AI-generated summary of my testimony to ensure no "hallucinations" occurred?

AI can misinterpret technical terminology or context. You should verify that your observations haven't been distorted by algorithmic error.

05

Does the company's AI policy explicitly protect my statements from being used for other purposes, like "training" the AI?

Your witness testimony should not be used by a vendor to improve their general AI models. Ask whether your data is being retained or repurposed beyond the investigation.

The Bottom Line

AI is transforming workplace investigations. But with new tools come new risks, especially after *Heppner*. Whether you're reporting, responding, or simply providing information, **knowing what questions to ask can make all the difference.**

The C.O.N.S.T.A.N.C.E. Code™

The C.O.N.S.T.A.N.C.E. Code™ was built to ensure that investigations using AI remain procedurally sound, transparent, and defensible. It provides the architecture organizations need to navigate this new landscape while protecting the rights of everyone involved.

Take the Next Step

For more information about AI-assisted workplace investigations and how to protect your interests, visit our **website** or consult with qualified legal counsel.