

Checklist for Conducting a Harassment Investigation

If you receive a complaint or otherwise learn of alleged harassment in the workplace, you must investigate promptly and thoroughly. You should take immediate and appropriate corrective action by doing whatever is necessary to end the harassment, make the victim whole by restoring lost employment benefits or opportunities, and prevent the misconduct from recurring. Disciplinary action against the offending supervisor or employee, ranging from reprimand to discharge, may be necessary. Generally, the corrective action should reflect the severity of the conduct.

The following are basic steps for completing an appropriate investigation of alleged sexual harassment:

- Interview the complainant.** What does the complainant say happened? Who does he/she name as the harasser? Where and when did the incident take place? How did the complainant react? Were there witnesses? Was it an isolated incident or part of a series? Has the complainant spoken to anyone else about the incident?
- Interview the accused employee.** Stay objective and do not assume anything.
- Interview all witnesses.** Phrase the questions so you don't give any information or influence the responses. For instance, it's better to ask, "Have you heard anyone say something to Ann that made her uncomfortable?" rather than, "Did you hear Frank proposition Ann?"
- Weigh all the evidence.** Consider the credibility of each party, based on the reputations of the employee and the alleged harasser. Is there any possibility the accusing employee is trying to make up for a poor performance review or a disciplinary action? Are there any previous complaints against the accused employee?
- Make a record of the investigation.** Memorialize your entire investigation in writing in detail. If a discrimination charge is filed, these detailed notes of your investigation are critical to your defense. Make your notes sufficiently clear and detailed that not only you but anyone in the company can understand and use them.
- Take action.** Once you have all the facts, you must determine whether you believe any harassment occurred. If you determine that there was harassment, then you must act promptly to address it. Resolution could be as simple as an apology from the accused employee to the complaining employee or as severe as discharge. You should mold the consequence or punishment to "fit the crime."