

Checklist for Sexual Harassment Investigations

➤ 1. Preliminary Considerations

- Use two investigators, if possible.
- Create a confidential file.
- Conduct interviews in a private room.

➤ 2. Gathering the Facts

2.1. Review relevant personnel files and company policies.

2.2. Interview the victim.

- o Take the person complaint seriously.
- o Explain the investigation but don't promise complete confidentiality.
- o Find out what happened: GET SPECIFICS.
- o Find out the effect of the harassment on the victim.
- o Find out names of witnesses.
- o Ask the victim what they want.
- o Assess their credibility.
- o Take a statement, if warranted.
- o Type the notes of the interview.

2.3. Interview the perpetrator.

- o Explain the purpose of the interview but state that no decision has been made on the truthfulness of the allegations.
- o Identify the victim and the specific basis of the sexual harassment complaint.
- o Ask the person to respond to the charges.
- o Find out names of witnesses.
- o Assess their credibility.
- o Take a statement, if warranted.
- o Type the notes of the interview.

2.4. Interview corroboration witnesses.

- o Try to elicit identity of victim and perpetrator from the witness as opposed to identifying the victim and perpetrator to the witness at the beginning of the interview.
- o Find out what he or she knows: GET SPECIFICS.
- o Distinguish between firsthand and secondhand knowledge.
- o Assess the credibility of the witness.
- o Take a statement, if warranted.
- o Type the notes of the interview.

3. Evaluating the Facts and Making the Decision

3.1. Evaluate the facts from a reasonable woman's perspective.

3.2. Distinguish between "unwelcome" and "voluntary" sexual conduct.

3.3. Draft a thorough, even handed report.

- o Make the report chronological.
- o Describe when first learned of the complaint.
- o Provide exact details of the complaint.
- o Note the documents reviewed.
- o Describe the interviews.
- o For all witnesses, distinguish between firsthand knowledge and rumor.
- o State conclusions as to whether sexual harassment occurred and provide specific justification.
- o Recommend corrective action if sexual harassment occurred. The corrective action should:
 - o be reasonably calculated to prevent further harassment.
 - o not punish the victim.
 - o be consistent with the discipline imposed in the past in similar situations.

3.4. Submit the report to the decision-making official. That official should:

- o not be a rubber stamp.
- o point out deficiencies in the report.
- o ask follow-up questions.
- o conduct interviews him or herself if necessary.
- o document his or her actions.

3.5. Follow up with the victim and perpetrator after the decision has been made.

Source: EMPLOYEE RELATIONS LAW JOURNAL