



## How To Conduct a Full and Fair Investigation of a Claim of Sexual Harassment

Having the right policies and procedures in place, and immediately taking action upon receiving a sexual harassment complaint, puts an employer in a much better position to defend itself against a claim. The following are some important suggestions for investigating a sexual harassment claim:

- 1** *Make certain* that your sexual harassment policy has been distributed to your employees, is readily available, easily understood and offers a simple procedure for employees to report sexual harassment claims.
- 2** *Make certain* that the person assigned to investigate the claim is an appropriate company official possessing the authority to remediate the complained of conduct or effectively recommend such remediation.
- 3** *Do not hesitate* to seek legal advice from the onset of the investigation or at any point during the investigation.
- 4** *Advise the victim* that the allegations will be kept as confidential as reasonably possible. Advise both the victim and the accused of their rights, and, if possible, keep the alleged victim and harasser separate during the course of the investigation.
- 5** *If the alleged harasser* is a high-ranking administrator, board member, or similar employee, it may be advisable to retain a neutral third party to investigate the charges.
- 6** *Promptly interview the alleged victim* and obtain a written or recorded statement from the victim identifying the harasser and explaining in as much detail as possible the nature of the harassment, identifying corroborating witnesses and circumstances surrounding the incident.
- 7** *To avoid accusations* of an improper or inadequate investigation, obtain written statements from all witnesses identified by the victim.
- 8** *Obtain a detailed written or recorded statement* from the alleged harasser and also request a written response to the alleged improper conduct. Note: All recorded statements must be with the consent of the witness.
- 9** *Most important*, document everything associated with the investigation. If the complaint progresses to a lawsuit, you already will have established a well-documented file concerning the alleged incident. *Remember that witnesses' memories tend to fade as time passes.*
- 10** *If the employer determines that harassment has occurred*, appropriate corrective action should be taken. Corrective action would be dependent upon the severity of the conduct.