

## **CHECKLIST: Investigating Harassment**

If you are investigating an allegation of harassment, either in the workplace or elsewhere, there are a number of things that you must do and consider. If you are a person who is bringing a claim of harassment, you may be interested in knowing what sort of things the government or your employer will be investigating, and what type of conduct they should be following in investigating your claim. The following checklist provides answers to those issues.

### **Interviewing the Complainant**

- ✓ Ask for specific details, not generalizations.

Who committed the harassment? \_\_\_\_\_

What was the alleged harassment? \_\_\_\_\_

\_\_\_\_\_

When did the alleged harassment occur? How long has it been since it occurred?

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Where did the alleged harassment occur? \_\_\_\_\_

How did it occur? How did you react?

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Why do you think you were harassed?

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Has this happened to you before? When?

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Did you tell anyone else about it? If so, who did you tell? \_\_\_\_\_

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- ✓ It may help to prepare a written, detailed chronology of the events relating to the alleged harassment, the reporting of the harassment, and the investigative efforts.
- ✓ Include the complainant in determining a proper remedy or solution. Not every complainant wants to sue in court. Perhaps they only want an apology. Ask the complainant what he or she is looking for.

### **Interviewing the Accused**

- ✓ As with the complainant, establish specific facts, not generalizations:

What is your relationship with the complainant?

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Did you say or do anything to the complainant?

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Why do you think the complainant would accuse you of this type of harassment?

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- ✓ Carefully observe the accused's reaction when he or she is told of the allegations of the complainant. Is he or she surprised? Angry? In disbelief? Does he or she shake his or her head? Laugh?

### **Interviewing Witnesses**

- ✓ Ask for detailed information about what they saw and heard. Does it support the complainant's allegation or the accused's explanation?
- ✓ Assure any reluctant witnesses that they will not be retaliated against or punished for speaking with you.

### **Follow-up**

- ✓ Once the investigation is completed, inform both the complainant and the accused of the conclusion that has been reached. It may be advisable to tell the two parties in separate, confidential meetings. Do not try to bring the two parties together, unless they are both agreeable.
- ✓ Be prepared for the reactions you may receive from both the complainant and the accused.
- ✓ Give both the complainant and the accused the opportunity to disagree with the findings of the investigation.
- ✓ If it is found that harassment did in fact occur, reprimand or punish the harasser accordingly. If there are written policies on how harassment will be punished, closely follow those policies.
- ✓ Keep written documentation of the results of the investigation and notes on the meeting with both the complainant and the accused to discuss the investigation's findings.

### **General Considerations**

- ✓ Start the investigation immediately. This will show that the matter is being taken seriously and will also allow the complainant, the accused, and witnesses to provide "fresh" explanations or information.
- ✓ Do not brush off the victim's feelings. Even if it is felt that the allegation is false, the complainant's feelings must be considered. If complainants feel that they are not being taken seriously, or that they are being brushed off, legal problems could only escalate.
- ✓ Be professional in dealing with both the complainant and the accused. Harassment is a serious matter.
- ✓ Do not act judgmentally. Do not tell complainants that they are over-reacting or that they deserved the harassment.

- ✓ Ask for all of the details. Even if some information is unsavory, or tends to shed a poor light on the investigating party, it still must be acknowledged and considered.
- ✓ Thoroughly document the investigation. This will be useful in the future if the matter does escalate into litigation.
- ✓ Treat all claims seriously, even if they are proven to be false.
- ✓ Keep the investigation confidential. Tell only those who are on a need-to-know basis what has been uncovered.
- ✓ Treat each allegation of harassment separately, and perform an independent investigation into each and every allegation.