

4 Steps to Conduct a Harassment Investigation

Every organization should have an anti-harassment policy that covers not only sexual harassment, but also harassment on the basis of the other protected classes of race, religion, color, national origin, age, disability, or any other characteristic protected by federal, state, or local law. Organizations should have employees informed of these policies and managers trained in conducting investigations.

STEP 1

Prepare for the Investigation

- Review the organization's discrimination and/or harassment policy.
- Determine if senior leadership and/or legal council should be involved.
- Determine if any party should be suspended, pending investigation.
- Determine if someone outside the company should conduct the investigation.
- Review the complaint, records and documents related to complaint.
- Prepare a list of individuals to be interviewed. Understand that this list may grow.
- Prepare a list of questions.
- Secure a confidential area for interviews.

STEP 2

Conduct the Investigation

- Timely and without bias.
- Do not promise confidentiality.
- Ask open-ended, fact based questions and document facts and not opinions.
- Retaliation is prohibited and information is confidential.

STEP 3

Analyze Information and Document Findings

- Review the notes for accuracy.
- Determine whether the harassment disciplinary policy was violated.
- Review the personnel file of alleged harasser.

STEP 4

Conclude the Investigation

- Document and place information in the confidential investigative file, which should be maintained in a secure location separate from the employee file.

Yes

No

If discrimination or harassment occurred

- Assess the severity of the offense.
- If disciplinary action is warranted, document action taken and present to the employee.
- Ensure consistency in discipline and treatment of employees.
- Meet with the accuser and witnesses to inform them of the steps taken by the organization.
- Urge the accuser to promptly report any continued prohibited conduct or any retaliatory actions.
- Document for personnel file.

If discrimination or harassment did NOT occur

- Meet separately with the complainant and the alleged harasser to inform them of the results.
- Document for personnel file.