

Documents to Review (Consider what information is needed to understand situation and support a decision):

- Emails
- Text messages
- Videos (security cameras; cell phones)
- Personnel files of those involved
- Attendance records
- Time records
- Relevant company policies
- Prior complaints/investigation files
- Witness statements
- Interview notes

Interviews to conduct:

- Complainant
- Accused
- Witnesses named by complainant
- Witnesses named by accused

For each interview, state:

- Role of investigator (“I’m here to look into some allegations that have been made.” “I want to understand what you have seen and heard.”)
- Company has duty to investigate.
- Limited confidentiality (“We’ll be as discreet as possible, but I cannot promise complete confidentiality. We encourage you to keep this confidential as well.”)
- Cooperation is expected.
- Investigation process, general timing (don’t promise a particular date)
- Remind that retaliation is prohibited
- Contact information for follow up

Document each interview:

- Date/time/place
- Names and Titles of all present
- Opening and closing statements of investigator
- Record facts, not conclusions
- Distinguish between “don’t know” and “don’t remember”
- If capturing exact words, use quotation marks (e.g., “He said, ‘I want to get you alone.’”)
- Review interviews/documents and conduct necessary followup

Prepare Report

Reach conclusion/make recommendation

- Factual conclusion (What happened?)
- Do not use legal terms (e.g., “John sexually harassed Sally.”)
- If factual conclusion supports a policy violation, may recommend action. Investigator should not be decisionmaker.

Implement results and communicate

- o Communicate to complainant:
 - Company has investigated.
 - Results [inconclusive/unsubstantiated/appropriate remedial action has been taken]
 - Retaliation will not be tolerated. If you feel retaliated against, please report.
- o Communicate to accused:
 - Discipline, if appropriate
 - Set forth future expectations/consequences
 - Retaliation will not be tolerated.