



Sexual Harassment Response Guidelines

General Instructions

- Begin investigation within 24 hours of the report of sexual harassment.
- Complete investigation and propose remedy within 7 days.
- Give assurances of no retaliation to victim and all witnesses.

Instructions For All Interviews

Avoid Pre-Judgments: Keep from “Jumping to conclusions” about the accuracy of either accusations of harassment or denials of them. In the investigation, both the “victim” and the “accused” should be treated with respect, courtesy, and an open mind.

Agreement to Report: Obtain the agreement of each interviewee – including the victim – to report any future harassment or retaliation. Incorporate this agreement into their statement. This helps prevent them from later saying that they failed to report subsequent harassment or retaliation because their first report “did no good.”

No Gossip Rule: Tell each interviewee that they must keep both the accusations and the investigation confidential, but do not promise them confidentiality. You may need to share information with others to properly perform your investigation.

Background Evidence: Ask about any other events, circumstances, or relationships that will shed light on the truth of the allegations (e.g. interactions between the “accused” and “victim”; Did actions or comments appear unwelcomed? What about “body language” and “facial expressions”? Friendly? Romantic? Envious? Any grudges? Any motive to lie? Any change in the victim’s or the accused’s attitude or performance at work?).

Focus In: Begin with general questions, then become more and more specific.

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Ask – Don't Tell: Find out what the witness knows; do not volunteer what you know. Otherwise, interviewees may conform their statements to that you already know.

Get Details: Follow each answer with a question. Who? When? Where? Get details!

Get Facts: Get the facts behind opinions, conclusions and impressions. "Why do you say that?"

Written Statements: Incorporate entire interview into a signed, written statement.

Investigative Steps:

Step 1: Contact Legal Counsel

Contact employment law counsel to adjust investigation for the specific facts of the accusation.

Step 2: Interview Employee Reporting the Harassment

As directed by legal counsel, sensitively, but thoroughly, interview the victim. If the person reporting the harassment is not the victim, first, interview the person reporting the harassment as a "witness" (See Step 4); then interview the victim as described below.

- All details – events, place, dates, times, etc.
- Any witnesses or other evidence?
- How would victim describe his/her past and present relationship with the accused?
- Any psychological or other injuries?
- Any impact on the victim's job or work environment?
- Are there any prior reports of sexual harassment? What action was taken in response to these reports?
- Was victim adequately informed of how to report violations of company's No Harassment Policy?
- What investigative steps does victim suggest? (Explain victim cannot limit the investigation.)

- What remedy does the victim prefer? (Explain victim has input, but will not decide the remedy.)
- Did the accused engage in similar conduct with others? Was the accused's conduct the same towards both men and women?

Step 3: Interview the "Accused."

(Steps 3 and 4 may be reversed depending upon the circumstances)

- Warn the accused: No retaliation against victim or witnesses; accused's truthfulness and cooperation are required.
- If the accused asked, he/she has a right to have another employee (or union representative) present at the interview.
- As directed by legal counsel, thoroughly interview the accused:
 - Accused's version of events (probe for details).
 - Other witnesses or evidence of the events giving rise to the complaint, and/or the relationship between the victim and the accused.
 - What other investigative steps does the accused suggest? (Explain the accused cannot limit the investigation.)
 - If the victim's allegations were true, what does the accused believe would be the appropriate remedy?

Step 4: Interview All Witnesses.

As directed by legal counsel, interview all witnesses of relevant events, circumstances, and relationships, including any witnesses suggested by the victim or the accused.

- Review No Harassment Policy with all witness – observe any violations?
- Ask for facts known to witness – do not tell allegations made by others. This helps avoid a later defamation claim from the

accused, and keeps the witness' mind from being influenced by the accusations, opinions or observations of others.

- Any other witnesses or evidence of relevant events, circumstances, or relationships?
- Any evidence that the victim has or has not suffered psychological or other injuries? Any impact on the victim's job or work environment?

Prepare Written Report.

With the assistance of legal counsel, prepare a written report of the investigation and its conclusions for the victim, the accused, and for any future jury.

- Describe the thorough, objective investigation conducted.
- Summarize the evidence presented.
- Explain the what and why of your conclusions and the remedy. Note any failure to cooperate by either victim or accused.

These Sexual Harassment Response Guidelines are intended as a source of information.

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